

ENROLLED SENATE
BILL NO. 131

By: Johnson (Mike) and Myers of
the Senate

and

Miller, Martin (Scott) and
Cox of the House

An Act relating to the Oklahoma Health Care Authority; authorizing transfer; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Administrator; authorizing payment of certain expenses; authorizing the employing of certain attorneys; prohibiting certain increases in budgetary limits; providing budgetary limitations; providing procedures for exempting certain funds from expenditure and budgetary limitations; requiring certain filings and approvals; specifying certain funding requirements; authorizing transfers of certain funds; providing procedures; authorizing the expenditure of previously appropriated funds for certain purpose; requiring recordkeeping; authorizing certain requests relating to early transfers; making certain transfer nonfiscal; 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:

SECTION 1. The Oklahoma Health Care Authority is hereby authorized to transfer from the American Recovery and Reinvestment Act Fund ("490") to the CMIA Programs Disbursing Fund ("340") of the Oklahoma Health Care Authority, the sum of Three Hundred Sixteen

Million Four Hundred Sixty Thousand Five Hundred Two Dollars (\$316,460,502.00) or so much as may be necessary to perform the duties imposed on the Oklahoma Health Care Authority by law.

SECTION 2. For the fiscal year ending June 30, 2010, the Oklahoma Health Care Authority shall budget all funds in the following categories and amounts:

| <u>Category</u> | <u>Appropriation</u> | <u>Total</u> |
|------------------------------|----------------------|--------------------|
| Operations | \$ 20,458,219.00 | \$ 40,916,438.00 |
| Medicaid Payments | 615,251,855.00 | 4,221,619,094.00 |
| Medicaid Contracted Services | 26,337,036.00 | 100,071,914.00 |
| Premium Assistance Program | 0.00 | 300,000,000.00 |
| Rehabilitation Services | 0.00 | 50,000.00 |
| OSA Non-Title-XIX Medical | 0.00 | 22,385,710.00 |
| Grants Management | 1,200,000.00 | 10,000,000.00 |
| Non-Title-XIX Medical | <u>89,382.00</u> | <u>89,382.00</u> |
| TOTAL | \$663,336,492.00 | \$4,695,132,538.00 |

SECTION 3. A. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law shall be set by the Administrator of the Oklahoma Health Care Authority.

B. The salary of the Administrator shall not exceed One Hundred Thirty-three Thousand Four Hundred Fifty-five Dollars (\$133,455.00) per annum, payable monthly for the fiscal year ending June 30, 2010.

C. The Oklahoma Health Care Authority is authorized to:

1. Pay professional expenses of the Administrator of the Authority, including dues, licenses, professional memberships,

continuing medical education classes conducted in the State of Oklahoma, and medical malpractice insurance;

2. 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 Authority in accordance with subsection B of Section 5006 of Title 63 of the Oklahoma Statutes or 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; and

3. Employ six (6) full-time-equivalent attorneys. This authorization shall not increase the budgetary limits in this section.

D. The Oklahoma Health Care Authority 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 | 444.5 |
| Lease-Purchase Agreements | \$0.00 |

Full-time-equivalent employees solely paid by grant funds will not count against the agency's budgetary limitations as specified in this section.

Twenty (20.0) full-time-equivalent employees solely paid by the Health Employee and Economy Improvement Act (HEEIA) Revolving Fund ("245") will not count against the agency's budgetary limitations as specified in this section.

SECTION 4. A. The Administrator of the Oklahoma Health Care Authority may request in the manner provided in this section that receipt and expenditure of unanticipated federal funds awarded after July 1, 2009, be exempt from expenditure limitations and from budgetary limitations.

1. The Administrator shall make a request for exemption to the Director of State Finance in writing and file a revised budget program.

2. The Administrator shall also file copies of the request for exemption and budget work program revisions with the Oklahoma House of Representatives Appropriations and Budget Committee Chairman and the Oklahoma State Senate Appropriations Committee Chair. The Oklahoma House of Representatives Appropriations and Budget Committee Chairman and/or the Oklahoma State Senate Appropriations Committee Chair shall notify the Director of State Finance of any noncompliance of the request with legislative intent within twelve (12) calendar days of their receipt of the exemption request.

B. The Director of State Finance shall approve the request for exemption unless both the Chair and Vice Chair of the Joint Legislative Committee on Budget and Program Oversight provide written notification to the Director of State Finance within twelve (12) calendar days of the Committee's receipt of the exemption request and that the exemption subverts the intention and objectives of the Legislature in establishing the original limit. The Director of State Finance shall give written notice of approval or disapproval of each exemption to the agency, the Governor and the Chair of the Oklahoma House of Representatives Appropriations and Budget Committee and the Chair of the Oklahoma State Senate Appropriations Committee within eighteen (18) calendar days of receiving the request.

SECTION 5. The Director of State Finance shall transfer monies appropriated from the General Revenue Fund and the 245 Fund of the Oklahoma Health Care Authority to the Oklahoma Health Care Authority disbursing funds in the amounts and ratios requested by the Authority except that the cumulative amount transferred shall not exceed the cumulative amount of equal monthly allotments of the appropriation from the General Revenue Fund. Monies appropriated or collected for the fiscal year ending June 30, 2010, may be transferred to these disbursing funds for the fiscal year ending June 30, 2009, to satisfy encumbrances and obligations of said fiscal year; provided, that monies equal in amount are transferred from appropriations or collections for the fiscal year ending June 30, 2009, to the disbursing fund for the fiscal year ending June 30,

2010, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Director of State Finance. The Oklahoma Health Care Authority shall maintain record of the interyear transfers.

SECTION 6. The Director of the Oklahoma Health Care Authority may request through the Director of State Finance the early transfer by the Oklahoma Tax Commission of tax collections to the General Revenue Fund for the purpose of early allocation to the agency's disbursing funds to alleviate cash-flow problems.

SECTION 7. The transfer authorized by Section 1 of this act shall not be subject to fiscal year limitations and shall be available for encumbrance and expenditures purposes for a period of thirty (30) months from the effective date of this act.

SECTION 8. Appropriations made by Sections 69, 70 and 71 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 9. This act shall become effective July 1, 2009.

SECTION 10. 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 Senate the 20th day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2009.

Presiding Officer of the House
of Representatives