

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1108

By: Miller and Martin (Scott)
of the House

4 and

5 Johnson (Mike) and Myers of
6 the Senate

7
8 AS INTRODUCED

9
10 An Act relating to the State Department of Health;
11 making an appropriation; stating purpose; providing
12 for duties and compensation of employees; limiting
13 salary of the Commissioner; authorizing payment of
14 certain expenses of Commissioner under certain
15 conditions; specifying compliance with and providing
16 for certain budgetary limitations; exempting certain
17 funds from expenditure and budgetary limitations;
18 requiring employment of certain persons for certain
19 program; authorizing transfers of certain funds;
20 requiring budgeting in certain categories and
21 amounts; requiring certain funds to be used to
22 establish certain programs; requiring certain
23 reports; providing for certain contracts; providing
24 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:

1 SECTION 1. There is hereby appropriated to the State Department
 2 of Health from any monies not otherwise appropriated from the
 3 General Revenue Fund of the State Treasury for the fiscal year
 4 ending June 30, 2010, the sum of _____ Dollars (\$0.00) or so
 5 much thereof as may be necessary to perform the duties imposed upon
 6 the State Department of Health by law.

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

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Support Services	\$0.00	\$0.00
Disease and Prevention		
Services	0.00	0.00
Family Health	0.00	0.00
Community Health		
Services	0.00	0.00
Protective Health		
Services	<u>0.00</u>	<u>0.00</u>
TOTAL	\$0.00	\$0.00

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

1 SECTION 3. The duties and compensation of employees, not
 2 otherwise prescribed by law, necessary to perform the duties imposed
 3 upon the State Department of Health by law shall be set by the State
 4 Commissioner of Health. The salary of the State Commissioner of
 5 Health shall not exceed _____ Dollars (\$0.00) per annum, payable
 6 monthly for the fiscal year ending June 30, 2010. The State
 7 Department of Health is authorized, provided that the Commissioner
 8 of Health possesses a Doctor of Medicine Degree or a Doctor of
 9 Osteopathy Degree and a license to practice medicine in this state,
 10 to pay the professional expenses of the Commissioner of Health,
 11 including dues, licenses, professional memberships, continuing
 12 medical education classes conducted in the State of Oklahoma, and
 13 medical malpractice insurance. The State Department of Health for
 14 the fiscal year ending June 30, 2010, shall be subject to the
 15 following budgetary limitations, except as may be authorized
 16 pursuant to the provisions of Section 3603 of Title 74 of the
 17 Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
18 Full-time-equivalent Employees	0.00
20 Lease-Purchase Agreements	\$0.00

21 SECTION 4. Of the _____ (____) full-time-equivalent employees
 22 authorized in Section 3 of this act, _____ (____) shall be
 23 employed to provide services under the provisions of the Oklahoma
 24 Early Intervention Act.

1 SECTION 5. TRANSFER The State Department of Health shall
2 transfer the sum of _____ Dollars (\$0.00) from the funds
3 appropriated in Section 1 of this act to the Child Abuse Prevention
4 Fund established pursuant to Section 1-227.8 of Title 63 of the
5 Oklahoma Statutes, to be expended in accordance with law.

6 SECTION 6. TRANSFER The State Department of Health shall
7 transfer the sum of _____ Dollars (\$0.00) from the funds
8 appropriated in Section 1 of this act to the Dental Loan Repayment
9 Revolving Fund established pursuant to Section 1-2714 of Title 63 of
10 the Oklahoma Statutes, to be expended in accordance with law.

11 SECTION 7. TRANSFER The State Department of Health shall
12 transfer the sum of _____ Dollars (\$0.00) from the funds
13 appropriated in Section 1 of this act to the Kidney Health Revolving
14 Fund established pursuant to Section 1-2603 of Title 63 of the
15 Oklahoma Statutes, to be expended in accordance with law.

16 SECTION 8. TRANSFER The State Department of Health
17 shall transfer the sum of _____ Dollars (\$0.00) from
18 the funds appropriated in Section 1 of this act to the Alternatives-
19 to-Abortion Services Revolving Fund established pursuant to Section
20 1-740.12 of Title 63 of the Oklahoma Statutes, to be expended in
21 accordance with law.

22 SECTION 9. TRANSFER The State Department of Health shall
23 transfer the sum of _____ Dollars (\$0.00) from the
24 funds appropriated in Section 1 of this act to the Oklahoma

1 Institute for Disaster and Emergency Medicine Revolving Fund
2 established pursuant to Section 1-2523 of Title 63 of the Oklahoma
3 Statutes, to be expended in accordance with law.

4 SECTION 10. From the funds appropriated to the State Department
5 of Health in Section 1 of this act, the following categories and
6 amounts shall be expended:

7	Contractual services of the Margaret	
8	Hudson Program for School Age Parents	\$0.00
9	Contractual services of the Emerson	
10	Teen Parent Program	0.00
11	Contractual services of the Oklahoma	
12	Institute for Child Advocacy	0.00
13	Contractual services of Dental for the	
14	Disabled and Elderly in Need of	
15	Treatment (D-DENT)	0.00
16	Contractual services of the Hearts for	
17	Hearing Foundation	0.00
18	Contractual services of the College of	
19	Osteopathic Medicine of Oklahoma	
20	State University for the Area Health	
21	Education Centers Campaign	0.00
22	Contractual services of the Sickle Cell	
23	Research Foundation, Incorporated	0.00

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1	Contractual services of the Alzheimer's	
2	Association, Oklahoma Chapter	0.00
3	Contractual services of the University	
4	of Oklahoma Health Sciences Center,	
5	Department of Pathology	0.00
6	Contractual services of the Tolliver	
7	Alternative Care Center, Incorporated	0.00
8	Contractual services for the University	
9	of Oklahoma Health Sciences Center	
10	Pediatric Endocrinology Department	0.00
11	Contractual services of the North Tulsa	
12	Heritage Foundation, Incorporated	0.00
13	Contractual services of the Metropolitan	
14	Tulsa Urban League, Incorporated	0.00
15	Contractual services of the Greenwood	
16	Educational and Cultural Center	0.00
17	Contractual services of the Oklahoma	
18	Dental Foundation	0.00
19	Contractual services of the University	
20	of Oklahoma College of Medicine -	
21	Tulsa	0.00
22	Contractual services of the College of	
23	Osteopathic Medicine of Oklahoma	
24	State University	0.00

1	Contractual services of the Oklahoma	
2	Economic Development Association	0.00
3	Contractual services of the Oklahoma	
4	State Board of Examiners for Long	
5	Term Care Administrators	<u>0.00</u>
6	TOTAL	\$0.00

7 SECTION 11. From the funds appropriated to the State Department
8 of Health in Section 1 of this act, the State Department of Health
9 shall, pursuant to the existing contract, continue contracted
10 services with Emergency Medical Services Authority (EMSA) for
11 operation of a trauma transfer and referral center. Prior to
12 completion, termination, or cancellation date of existing contract,
13 the State Department of Health may request competitive bids for such
14 service and award to successful bidder. Any funds remaining from
15 the Emergency Medical Services Authority (EMSA) contract shall be
16 transferred to the selected provider contract. The State Department
17 of Health shall work towards minimizing interruption of services
18 during any contract transitions.

19 SECTION 12. From the funds appropriated to the State Department
20 of Health in Section 1 of this act, the amount of _____ Dollars
21 (\$0.00) shall be used for providing perinatal, women's and
22 children's services for low-income persons statewide.

23 Direct services for maternal and child
24 health and to encourage early entry of

1 high-risk clients into the health care
2 system

\$0.00

3 Contractual services with the Perinatal
4 Continuing Education Program within the
5 Department of Obstetrics and Gynecology of
6 the University of Oklahoma College of
7 Medicine

\$0.00

8 SECTION 13. A. From the funds appropriated to the State

9 Department of Health in Section 1 of this act, _____ Dollars

10 (\$0.00) shall be expended in the following manner. It is the intent

11 of the Legislature that the amount of _____ Dollars (\$0.00) shall

12 be disbursed to community health centers (CHCs) authorized under

13 Section 330 of the Public Health Services Act deemed as Federally

14 Qualified Health Centers (FQHC), and incorporated in the State of

15 Oklahoma. Any disbursement shall be solely for the reimbursement of

16 uncompensated care costs associated with the delivery of primary

17 health care to uninsured patients as regulated by 42 CFR, Chapter 1,

18 Part 51c and all applicable current and future subparts and

19 sections. Any disbursement shall be supported by data contained

20 within the annually submitted Federal Uniform Data System Report and

21 supporting documentation as specified by the State Department of

22 Health within the contract. The methodology for disbursement shall

23 be developed by the Primary Care Office within the Community Health

24 Development Service of the State Department of Health with the

1 approval of the Commissioner of Health. The State Board of Health
2 is authorized to promulgate the methodology into rules. The amount
3 of _____ Dollars (\$0.00) shall be expended as follows: the State
4 Department of Health, Office of Primary Care and Rural Health
5 Development within the Community Health Development Service, for the
6 following purpose: Assist Oklahoma communities in the development
7 and necessary technical assistance to assure the submission of
8 Section 330 federal grant applications to establish new Federally
9 Qualified Health Centers (FQHCs) and/or Federally Qualified Look-A-
10 Like community health centers, as defined by 42 U.S.C., Section
11 1396d(1) (2) (B) including:

12 1. Contracts to provide for community planning and development
13 necessary for establishing federally funded community health centers
14 (FQHCs) and/or Federally Qualified Look-A-Like centers; and

15 2. Contracts to provide for grant development to assist
16 communities in application submission for federal funding to
17 establish and/or expand FQHC services; and

18 3. Contracts for specified technical assistance to Section 330
19 federally granted FQHCs having received their initial federal awards
20 after July 1, 2008, and

21 4. Contracts for operational support to community health
22 centers having received FY-2009 state funds to establish FQHC Look-
23 A-Like designation.

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

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

9 SECTION 14. From the funds appropriated to the State Department
10 of Health in Section 1 of this act, _____ Dollars (\$0.00)
11 shall be expended by reimbursement contract to Eastern Oklahoma
12 Donated Dental Services (EODDS). It is the intent of the
13 Legislature that Eastern Oklahoma Donated Dental Services shall be
14 the contracted provider of donated dental services in Tulsa and
15 Rogers Counties.

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

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

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

23 SECTION 17. This act shall become effective July 1, 2009.
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1 SECTION 18. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 52-1-15009 MN 12/17/08

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