

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2440

By: Miller and Martin (Scott)  
of the House

4 and

5 Johnson (Mike) and Myers  
6 of the Senate

7  
8 AS INTRODUCED

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

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

1 SECTION 1. There is hereby appropriated to the State  
 2 Department of Health from any monies not otherwise appropriated from  
 3 the General Revenue Fund of the State Treasury for the fiscal year  
 4 ending June 30, 2011, 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. The State Department of Health is hereby authorized  
 8 to expend from the American Recovery and Reinvestment Act Fund ("490  
 9 Fund"), the sum of \_\_\_\_\_ Dollars (\$0.00) or so much thereof  
 10 as may be necessary to perform the duties imposed upon the State  
 11 Department of Health by law.

12 SECTION 3. For the fiscal year ending June 30, 2011, the State  
 13 Department of Health shall budget all funds in the following  
 14 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

1           Receipt and expenditures of unanticipated federal funds awarded  
2 to the State Department of Health after July 1, 2010, shall be  
3 exempt from expenditure and budgetary limitations, provided that any  
4 such funds used for operations shall be included in the agency's  
5 budget work program.

6           SECTION 4. The duties and compensation of employees, not  
7 otherwise prescribed by law, necessary to perform the duties imposed  
8 upon the State Department of Health by law shall be set by the State  
9 Commissioner of Health. The salary of the State Commissioner of  
10 Health shall not exceed \_\_\_\_\_ Dollars (\$0.00) per annum,  
11 payable monthly for the fiscal year ending June 30, 2011. The State  
12 Department of Health is authorized, provided that the Commissioner  
13 of Health possesses a Doctor of Medicine Degree or a Doctor of  
14 Osteopathy Degree and a license to practice medicine in this state,  
15 to pay the professional expenses of the Commissioner of Health,  
16 including dues, licenses, professional memberships, continuing  
17 medical education classes conducted in the State of Oklahoma, and  
18 medical malpractice insurance. The State Department of Health for  
19 the fiscal year ending June 30, 2011, shall be subject to the  
20 following budgetary limitations, except as may be authorized  
21 pursuant to the provisions of Section 3603 of Title 74 of the  
22 Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	0.0

1 Lease-Purchase Agreements \$0.00

2 SECTION 5. Of the \_\_\_\_\_ full-time-equivalent employees  
3 authorized in Section 4 of this act, \_\_\_\_\_ shall be employed  
4 to provide services under the provisions of the Oklahoma Early  
5 Intervention Act.

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 Child Abuse Prevention  
9 Fund established pursuant to Section 1-227.8 of Title 63 of the  
10 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 Dental Loan Repayment  
14 Revolving Fund established pursuant to Section 1-2714 of Title 63 of  
15 the 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 the  
18 funds appropriated in Section 1 of this act to the Kidney Health  
19 Revolving Fund established pursuant to Section 1-2603 of Title 63 of  
20 the Oklahoma Statutes, to be expended in accordance with law.

21 SECTION 9. TRANSFER The State Department of Health  
22 shall transfer the sum of \_\_\_\_\_ Dollars (\$0.00) from the  
23 funds appropriated in Section 1 of this act to the Alternatives-to-  
24 Abortion Services Revolving Fund established pursuant to Section 1-

1 740.12 of Title 63 of the Oklahoma Statutes, to be expended in  
2 accordance with law.

3 SECTION 10. TRANSFER The State Department of Health  
4 shall transfer the sum of \_\_\_\_\_ Dollars (\$0.00) from the  
5 funds appropriated in Section 1 of this act to the Oklahoma  
6 Institute for Disaster and Emergency Medicine Revolving Fund  
7 established pursuant to Section 1-2523 of Title 63 of the Oklahoma  
8 Statutes, to be expended in accordance with law.

9 SECTION 11. From the funds appropriated to the State Department  
10 of Health in Section 1 of this act, the following categories and  
11 amounts shall be expended:

12	Contractual services of the Oklahoma	
13	Institute for Child Advocacy	\$0.00
14	Contractual services of Dental for the	
15	Disabled and Elderly in Need of	
16	Treatment (D-DENT)	0.00
17	Contractual services of the Hearts for	
18	Hearing Foundation	0.00
19	Contractual services of the College of	
20	Osteopathic Medicine of Oklahoma	
21	State University for the Area Health	
22	Education Centers Campaign	0.00
23	Contractual services of the Alzheimer's	
24	Association, Oklahoma Chapter	0.00

1	Contractual services of the University	
2	of Oklahoma Health Sciences Center,	
3	Department of Pathology	0.00
4	Contractual services for the University	
5	of Oklahoma Health Sciences Center	
6	Pediatric Endocrinology Department	0.00
7	Contractual services of the North Tulsa	
8	Heritage Foundation, Incorporated	0.00
9	Contractual services of the Greenwood	
10	Educational and Cultural Center	0.00
11	Contractual services of the Oklahoma	
12	Dental Foundation	0.00
13	Contractual services of the College of	
14	Osteopathic Medicine of Oklahoma	
15	State University	<u>0.00</u>
16	TOTAL	\$0.00

17 SECTION 12. From the funds appropriated to the State Department  
18 of Health in Section 1 of this act, the State Department of Health  
19 shall, pursuant to the existing contract, continue contracted  
20 services with Emergency Medical Services Authority (EMSA) for  
21 operation of a trauma transfer and referral center. Prior to  
22 completion, termination, or cancellation date of existing contract,  
23 the State Department of Health may request competitive bids for such  
24 service and award to successful bidder. Any funds remaining from

1 the Emergency Medical Services Authority (EMSA) contract shall be  
2 transferred to the selected provider contract. The State Department  
3 of Health shall work towards minimizing interruption of services  
4 during any contract transitions.

5 SECTION 13. From the funds appropriated to the State Department  
6 of Health in Section 1 of this act, the amount of \_\_\_\_\_  
7 Dollars (\$0.00) shall be used for providing perinatal, women's and  
8 children's services for low-income persons statewide.

9 Direct services for maternal and child  
10 health and to encourage early entry of  
11 high-risk clients into the health care  
12 system \$0.00

13 Contractual services with the Perinatal  
14 Continuing Education Program within the  
15 Department of Obstetrics and Gynecology of  
16 the University of Oklahoma College of  
17 Medicine \$0.00

18 SECTION 14. A. From the funds appropriated to the State  
19 Department of Health in Section 1 of this act, \_\_\_\_\_ Dollars  
20 (\$0.00) shall be expended in the following manner. It is the intent  
21 of the Legislature that the amount of \_\_\_\_\_ Dollars (\$0.00)  
22 shall be disbursed to health centers authorized under Section 330 of  
23 the Public Health Services Act, and incorporated in the State of  
24 Oklahoma. Any disbursement shall be solely for the reimbursement of

1 uncompensated care costs associated with the delivery of primary  
2 health care to uninsured patients as regulated by 42 CFR, Chapter 1,  
3 Part 51c and all applicable current and future subparts and  
4 sections. Any disbursement shall be supported by data contained  
5 within the annually submitted Federal Uniform Data System Report and  
6 supporting documentation as specified by the State Department of  
7 Health within the contract. The methodology for disbursement shall  
8 be developed by the Primary Care Office within the Community Health  
9 Development Service of the State Department of Health with the  
10 approval of the Commissioner of Health. The State Board of Health  
11 is authorized to promulgate the methodology into rules. The amount  
12 of \_\_\_\_\_ Dollars (\$0.00) shall be expended as follows: the  
13 State Department of Health, Office of Primary Care and Rural Health  
14 Development within the Community Health Development Service, for the  
15 following purpose: Implement the Charitable Health Care Provider  
16 Initiative as specified in Section 152.2 of Title 51 of the Oklahoma  
17 Statutes; and contracts to assist with the continued expansion of  
18 Section 330 health centers and/or organizations meeting the  
19 requirements of Section 330 health centers and designated as  
20 Federally Qualified Health Centers (FQHCs), as defined by 42 U.S.C.,  
21 Section 1396d(1)(2)(B) including:

- 22 1. Contracts and related costs for the provision of Charitable  
23 Health Care Providers, as defined under the provisions of Section  
24 152.2 of Title 51 Of the Oklahoma Statutes;

1           2.   Contracts to provide for community needs assessment,  
2 strategic planning, and/or community development prior to Section  
3 330 grant development or FQHC Look-Alike application development;

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

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

11          5.   Contracts for specified technical assistance to Section 330  
12 federally granted health centers having received their initial  
13 federal awards after July 1, 2009.

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

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

22          SECTION 15. From the funds appropriated to the State Department  
23 of Health in Section 1 of this act, \_\_\_\_\_ Dollars (\$0.00)  
24 shall be expended by reimbursement contract to Eastern Oklahoma

1 Donated Dental Services (EODDS). It is the intent of the  
2 Legislature that Eastern Oklahoma Donated Dental Services shall be  
3 the contracted provider of donated dental services in Tulsa and  
4 Rogers Counties.

5 SECTION 16. It is the intent of the Legislature that the  
6 Children First Program shall comply with the uniform components of  
7 the State Plan for the Prevention of Child Abuse. The State  
8 Department of Health shall contract with a university-related  
9 program for a performance-based evaluation of programs. Program  
10 sites shall fully cooperate and comply with the evaluation process  
11 and sites shall provide weekly caseload and referral information to  
12 the State Department of Health.

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

16 SECTION 17. Appropriations made by this act, not including  
17 appropriations made for capital outlay purposes, may be budgeted for  
18 the fiscal year ending June 30, 2011 (hereafter FY-11) or may be  
19 budgeted for the fiscal year ending June 30, 2012 (hereafter FY-12).  
20 Funds budgeted for FY-11 may be encumbered only through June 30,  
21 2011, and must be expended by November 15, 2011. Any funds  
22 remaining after November 15, 2011, and not budgeted for FY-12, shall  
23 lapse to the credit of the proper fund for the then current fiscal  
24 year. Funds budgeted for FY-12 may be encumbered only through June

1 30, 2012. Any funds remaining after November 15, 2012, shall lapse  
2 to the credit of the proper fund for the then current fiscal year.  
3 These appropriations may not be budgeted in both fiscal years  
4 simultaneously. Funds budgeted in FY-11, and not required to pay  
5 obligations for that fiscal year, may be budgeted for FY-12, after  
6 the agency to which the funds have been appropriated has prepared  
7 and submitted a budget work program revision removing these funds  
8 from the FY-11 budget work program and after such revision has been  
9 approved by the Office of State Finance.

10 SECTION 18. This act shall become effective July 1, 2010.

11 SECTION 19. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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16 52-2-15348 JM 12/31/09

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