

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1204

By: Miller and Martin (Scott)
of the House

4 and

5 Johnson (Mike) and Myers
6 of the Senate

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8
9 AS INTRODUCED

10 An Act relating to the Department of Mental Health
11 and Substance Abuse Services; making an
12 appropriation; stating purpose; requiring budgeting
13 in certain categories and amounts; providing for
14 duties and compensation of employees; limiting salary
15 of the Commissioner; providing budgetary limitations;
16 providing limitations for certain reimbursements;
17 authorizing certain transfers; stating legislative
18 intent; requiring certain funds be set aside for
19 certain purposes; requiring certain report; making
20 certain funds exempt from certain expenditure
21 limitations; providing for certain exemptions;
22 specifying contents of reports; authorizing certain
23 employees to be placed in unclassified service;
24 requiring certain employees to be in the classified
service; providing exceptions; 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. There is hereby appropriated to the Department of
Mental Health and Substance Abuse Services from any monies not

1 otherwise appropriated from the General Revenue Fund of the State
2 Treasury for the fiscal year ending June 30, 2010, the sum of
3 _____ Dollars (\$0.00) or so much thereof as may be
4 necessary to perform the duties imposed upon the Department of
5 Mental Health and Substance Abuse Services by law.

6 SECTION 2. For the fiscal year ending June 30, 2010, the
7 Department of Mental Health and Substance Abuse Services shall
8 budget all funds in the following categories and amounts:

9	<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
10	Central Administration	\$0.00	\$0.00
11	Inpatient Hospital	0.00	0.00
12	Community-based Programs	0.00	0.00
13	Substance Abuse Programs	0.00	0.00
14	Co-Occurring Programs	0.00	0.00
15	Residential Care		
16	Programs	<u>0.00</u>	<u>0.00</u>
17	TOTAL	\$0.00	\$0.00

18 SECTION 3. The duties and compensation of employees, not
19 otherwise prescribed by law, necessary to perform the duties imposed
20 upon the Department of Mental Health and Substance Abuse Services by
21 law shall be set by the Commissioner. The salary of the
22 Commissioner shall not exceed _____ Dollars (\$0.00) per annum,
23 payable biweekly for the fiscal year ending June 30, 2010. The
24 Department of Mental Health and Substance Abuse Services for the

1 fiscal year ending June 30, 2010, shall be subject to the following
2 budgetary limitations, except as may be authorized pursuant to the
3 provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
4 Full-time-equivalent Employees	0.0
6 Lease-Purchase Agreements	\$0.00

7 The Department of Mental Health and Substance Abuse Services for the
8 fiscal year ending June 30, 2010, shall set the minimum
9 reimbursement rate for residential care facilities at _____
10 Dollars (\$0.00) per mental health resident per day.

11 In order to facilitate cash management of federal grant receipts
12 and disbursements, the Director of State Finance shall transfer
13 monies between the Department of Mental Health and Substance Abuse
14 Services federal and revolving funds in amounts requested by the
15 Department of Mental Health and Substance Abuse Services.

16 Receipt and expenditures of unanticipated federal funds awarded
17 the Oklahoma Department of Mental Health and Substance Abuse
18 Services after July 1, 2009, shall be exempt from expenditure and
19 budgetary limitations, provided that any such funds used for
20 operations shall be included in the agency's budget work program.

21 SECTION 4. It is the intent of the Legislature that the
22 Department of Mental Health and Substance Abuse Services set aside a
23 minimum of _____ Dollars (\$0.00) for purchase of newer
24 generation medications. On or before April 1, 2010, the Department

1 of Mental Health and Substance Abuse Services shall prepare and
2 submit a written report to the Speaker of the House of
3 Representatives and the President Pro Tempore of the Senate
4 detailing expenditures for such medications.

5 SECTION 5. It is the intent of the Legislature that the
6 Department of Mental Health and Substance Abuse Services set aside a
7 minimum of _____ Dollars (\$0.00) for Programs for Assertive
8 Community Treatment (PACT) teams.

9 The Department of Mental Health and Substance Abuse Services
10 shall work with the Oklahoma Health Care Authority to establish and
11 submit any revisions to policies and rules needed to maximize
12 Medicaid funding for the services provided by Programs for Assertive
13 Community Treatment (PACT) teams.

14 The Department of Mental Health and Substance Abuse Services
15 shall deliver a progress and evaluation report on Programs for
16 Assertive Community Treatment (PACT) teams to the President Pro
17 Tempore of the Senate and the Speaker of the House of
18 Representatives on or before April 1, 2010.

19 SECTION 6. Full-time-equivalent employees utilized at the
20 Central Office of the Department of Mental Health and Substance
21 Abuse Services may be placed in the unclassified service. All other
22 employees of the Central Office shall be in the classified service,
23 except as provided in Section 840-5.5 of Title 74 of the Oklahoma
24 Statutes.

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

19 SECTION 8. This act shall become effective July 1, 2009.

20 SECTION 9. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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