

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2437

By: Miller and Martin (Scott)  
of the House

4 and

5 Johnson (Mike) and Myers of  
6 the Senate

7  
8  
9 AS INTRODUCED

10 An Act relating to the Oklahoma Health Care  
11 Authority; making appropriations to the Oklahoma  
12 Health Care Authority; authorizing transfer; stating  
13 purpose; requiring budgeting in certain categories  
14 and amounts; providing for duties and compensation of  
15 employees; limiting salary of the Administrator;  
16 authorizing payment of certain expenses; authorizing  
17 the employing of certain attorneys; prohibiting  
18 certain increases in budgetary limits; providing  
19 budgetary limitations; providing procedures for  
20 exempting certain funds from expenditure and  
21 budgetary limitations; requiring certain filings and  
22 approvals; specifying certain funding requirements;  
23 authorizing transfers of certain funds; providing  
24 procedures; authorizing the expenditure of previously  
appropriated funds for certain purpose; requiring  
recordkeeping; authorizing certain requests relating  
to early transfers; exempting certain funds from  
fiscal year limitations; 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 Oklahoma Health  
2 Care Authority from any monies not otherwise appropriated from the  
3 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 Oklahoma Health Care Authority by law.

7 SECTION 2. There is hereby appropriated to the Oklahoma Health  
8 Care Authority from any monies not otherwise appropriated from the  
9 Tobacco Settlement Fund of the State Treasury for the fiscal year  
10 ending June 30, 2011, the sum of \_\_\_\_\_ Dollars (\$0.00) or so  
11 much thereof as may be necessary to perform the duties imposed upon  
12 the Oklahoma Health Care Authority by law.

13 SECTION 3. The Oklahoma Health Care Authority is hereby  
14 authorized to transfer from the American Recovery and Reinvestment  
15 Act Fund ("490") to the CMIA Programs Disbursing Fund ("340") of the  
16 Oklahoma Health Care Authority, the sum of \_\_\_\_\_ Dollars  
17 (\$0.00) or so much as may be necessary to perform the duties imposed  
18 on the Oklahoma Health Care Authority by law.

19 SECTION 4. For the fiscal year ending June 30, 2011, the  
20 Oklahoma Health Care Authority shall budget all funds in the  
21 following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
23 Operations	\$0.00	\$0.00
24 Medicaid Payments	0.00	0.00

1	Medicaid Contracted Services	0.00	0.00
2	Premium Assistance Program	0.00	0.00
3	Rehabilitation Services	0.00	0.00
4	OSA Non-Title-XIX Medical	0.00	0.00
5	Grants Management	0.00	0.00
6	Non-Title-XIX Medical	<u>0.00</u>	<u>0.00</u>
7	TOTAL	\$0.00	\$0.00

8 SECTION 5. A. The duties and compensation of employees, not  
9 otherwise prescribed by law, necessary to perform the duties imposed  
10 upon the Oklahoma Health Care Authority by law shall be set by the  
11 Administrator of the Oklahoma Health Care Authority.

12 B. The salary of the Administrator shall not exceed  
13 \_\_\_\_\_ Dollars (\$0.00) per annum, payable monthly for the  
14 fiscal year ending June 30, 2011.

15 C. The Oklahoma Health Care Authority is authorized to:

16 1. Pay professional expenses of the Administrator of the  
17 Authority, including dues, licenses, professional memberships,  
18 continuing medical education classes conducted in the State of  
19 Oklahoma, and medical malpractice insurance;

20 2. Pay professional expenses of any Oklahoma licensed  
21 physician, including dues, licenses, professional memberships,  
22 continuing medical education classes conducted in the State of  
23 Oklahoma, and medical malpractice insurance, provided the physician  
24 is a full-time employee of the Authority in accordance with

1 subsection B of Section 5006 of Title 63 of the Oklahoma Statutes or  
2 paragraph 1 of subsection B of Section 840-5.5 of Title 74 of the  
3 Oklahoma Statutes and utilizing those professional skills in the  
4 performance of their job duties; and

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

8 D. The Oklahoma Health Care Authority for the fiscal year  
9 ending June 30, 2011, shall be subject to the following budgetary  
10 limitations, except as may be authorized pursuant to the provisions  
11 of Section 3603 of Title 74 of the Oklahoma Statutes:

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

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

18 Twenty (20.0) full-time-equivalent employees solely paid by the  
19 Health Employee and Economy Improvement Act (HEEIA) Revolving Fund  
20 ("245") will not count against the agency's budgetary limitations as  
21 specified in this section.

22 SECTION 6. A. The Administrator of the Oklahoma Health Care  
23 Authority may request in the manner provided in this section that  
24 receipt and expenditure of unanticipated federal funds awarded after

1 July 1, 2010, be exempt from expenditure limitations and from  
2 budgetary limitations.

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

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

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

1 Committee and the Chair of the Oklahoma State Senate Appropriations  
2 Committee within eighteen (18) calendar days of receiving the  
3 request.

4 SECTION 7. The Director of State Finance shall transfer monies  
5 appropriated from the General Revenue Fund to the Oklahoma Health  
6 Care Authority disbursing funds in the amounts and ratios requested  
7 by the Authority except that the cumulative amount transferred shall  
8 not exceed the cumulative amount of equal monthly allotments of the  
9 appropriation from the General Revenue Fund. Monies appropriated or  
10 collected for the fiscal year ending June 30, 2011, may be  
11 transferred to these disbursing funds for the fiscal year ending  
12 June 30, 2010, to satisfy encumbrances and obligations of said  
13 fiscal year; provided, that monies equal in amount are transferred  
14 from appropriations or collections for the fiscal year ending June  
15 30, 2010, to the disbursing fund for the fiscal year ending June 30,  
16 2011, to satisfy encumbrances and obligations of said fiscal year.  
17 All transfer requests shall be in writing to the Director of State  
18 Finance. The Oklahoma Health Care Authority shall maintain record  
19 of the inter-year transfers.

20 SECTION 8. The Director of the Oklahoma Health Care Authority  
21 may request through the Director of State Finance the early transfer  
22 by the Oklahoma Tax Commission of tax collections to the General  
23 Revenue Fund for the purpose of early allocation to the agency's  
24 disbursing funds to alleviate cash-flow problems.

1 SECTION 9. The appropriations made by Sections 1 and 2 of this  
2 act shall not be subject to fiscal year limitations and shall be  
3 available for encumbrance and expenditure purposes for a period of  
4 thirty (30) months from the effective date of this act.

5 SECTION 10. The transfer authorized by Section 3 of this act  
6 shall not be subject to fiscal year limitations and shall be  
7 available for encumbrance and expenditure purposes for a period of  
8 thirty (30) months from the effective date of this act.

9 SECTION 11. This act shall become effective July 1, 2010.

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

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