

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2438

By: Miller and Martin (Scott)
of the House

4 and

5 Johnson (Mike) and Myers of
6 the Senate

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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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15 52-2-15346 JM 12/30/09

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