

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2444

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; authorizing certain
13 expenditures; requiring budgeting in certain
14 categories and amounts; providing for duties and
15 compensation of employees; limiting salary of the
16 Commissioner; providing budgetary limitations;
17 providing limitations for certain reimbursements;
18 authorizing certain transfers; exempting certain
19 funds from expenditure and budgetary limitations;
20 stating legislative intent; requiring certain funds
21 be set aside for certain purposes; requiring certain
22 report; providing for certain exemptions; specifying
23 contents of reports; authorizing certain employees to
24 be placed in unclassified service; 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:

1 SECTION 1. There is hereby appropriated to the Department of
2 Mental Health and Substance Abuse Services from any monies not
3 otherwise appropriated from the General Revenue Fund of the State
4 Treasury for the fiscal year ending June 30, 2011, the sum of
5 _____ Dollars (\$0.00) or so much thereof as may be
6 necessary to perform the duties imposed upon the Department of
7 Mental Health and Substance Abuse Services by law.

8 SECTION 2. The Department of Mental Health and Substance Abuse
9 Services is hereby authorized to expend from the American Recovery
10 and Reinvestment Act Fund ("490 Fund"), the sum of _____ Dollars
11 (\$0.00) or so much thereof as may be necessary to perform the duties
12 imposed upon the Department of Mental Health and Substance Abuse
13 Services by law.

14 SECTION 3. For the fiscal year ending June 30, 2011, the
15 Department of Mental Health and Substance Abuse Services shall
16 budget all funds in the following categories and amounts:

17	<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
18	Central Administration	\$0.00	\$0.00
19	Inpatient Hospital	0.00	0.00
20	Community-based Programs	0.00	0.00
21	Substance Abuse Programs	0.00	0.00
22	Co-Occurring Programs	0.00	0.00
23	Residential Care		
24	Programs	<u>0.00</u>	<u>0.00</u>

1 TOTAL \$0.00 \$0.00

2 SECTION 4. The duties and compensation of employees, not
3 otherwise prescribed by law, necessary to perform the duties imposed
4 upon the Department of Mental Health and Substance Abuse Services by
5 law shall be set by the Commissioner. The salary of the
6 Commissioner shall not exceed _____ Dollars (\$0.00) per annum,
7 payable biweekly for the fiscal year ending June 30, 2011. The
8 Department of Mental Health and Substance Abuse Services for the
9 fiscal year ending June 30, 2011, shall be subject to the following
10 budgetary limitations, except as may be authorized pursuant to the
11 provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

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

15 The Department of Mental Health and Substance Abuse Services for the
16 fiscal year ending June 30, 2011, shall set the minimum
17 reimbursement rate for residential care facilities at _____
18 Dollars (\$0.00) per mental health resident per day.

19 In order to facilitate cash management of federal grant receipts
20 and disbursements, the Director of State Finance shall transfer
21 monies between the Department of Mental Health and Substance Abuse
22 Services federal and revolving funds in amounts requested by the
23 Department of Mental Health and Substance Abuse Services.

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

6 SECTION 5. It is the intent of the Legislature that the
7 Department of Mental Health and Substance Abuse Services set aside a
8 minimum of _____ Dollars (\$0.00) for purchase of newer
9 generation medications. On or before April 1, 2011, the Department
10 of Mental Health and Substance Abuse Services shall prepare and
11 submit a written report to the Speaker of the House of
12 Representatives and the President Pro Tempore of the Senate
13 detailing expenditures for such medications.

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

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

23 The Department of Mental Health and Substance Abuse Services
24 shall deliver a progress and evaluation report on Programs for

1 Assertive Community Treatment (PACT) teams to the President Pro
2 Tempore of the Senate and the Speaker of the House of
3 Representatives on or before April 1, 2011.

4 SECTION 7. Full-time-equivalent employees utilized at the
5 Central Office of the Department of Mental Health and Substance
6 Abuse Services may be placed in the unclassified service. All other
7 employees of the Central Office shall be in the classified service,
8 except as provided in Section 840-5.5 of Title 74 of the Oklahoma
9 Statutes.

10 SECTION 8. Appropriations made by this act, not including
11 appropriations made for capital outlay purposes, may be budgeted for
12 the fiscal year ending June 30, 2011 (hereafter FY-11) or may be
13 budgeted for the fiscal year ending June 30, 2012 (hereafter FY-12).
14 Funds budgeted for FY-11 may be encumbered only through June 30,
15 2011, and must be expended by November 15, 2011. Any funds
16 remaining after November 15, 2011, and not budgeted for FY-12, shall
17 lapse to the credit of the proper fund for the then current fiscal
18 year. Funds budgeted for FY-12 may be encumbered only through June
19 30, 2012. Any funds remaining after November 15, 2012, shall lapse
20 to the credit of the proper fund for the then current fiscal year.
21 These appropriations may not be budgeted in both fiscal years
22 simultaneously. Funds budgeted in FY-11, and not required to pay
23 obligations for that fiscal year, may be budgeted for FY-12, after
24 the agency to which the funds have been appropriated has prepared

1 and submitted a budget work program revision removing these funds
2 from the FY-11 budget work program and after such revision has been
3 approved by the Office of State Finance.

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

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

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