

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3373

By: Jett

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5
6 AS INTRODUCED

7 An Act relating to aging; defining terms; creating
8 the Oklahoma Commission on Aging; providing for
9 membership; specifying terms of service; providing
10 for election of chairs and officers; specifying terms
11 of service by officers; providing for a quorum;
12 directing certain reimbursement; stating powers and
13 duties of the Commission; establishing the Office of
14 Aging Services Oversight and Accountability;
15 specifying duties; prohibiting the release of certain
16 information; providing exception; establishing the
17 Office of Planning and Coordination for Aging
18 Services; specifying duties; creating the Oklahoma
19 Commission on Aging Revolving Fund; specifying
20 revenues; providing for use of fund; providing for
21 expenditures; providing for codification; and
22 providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-1953.1 of Title 63, unless
there is created a duplication in numbering, reads as follows:

As used in Sections 2 through 6 of this act:

1. "Aging services system" means the social, rehabilitative,
health, mental health and substance abuse, housing and

1 transportation services provided to Oklahomans age sixty (60) and
2 over by public and private agencies;

3 2. "Consumer" means an individual receiving services through
4 the aging services system; and

5 3. "Commission" means the Oklahoma Commission on Aging.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-1953.2 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 A. There is hereby created the Oklahoma Commission on Aging
10 which shall consist of twenty (20) members as follows:

11 1. Three shall be appointed by the Speaker of the Oklahoma
12 House of Representatives as follows:

13 a. one shall be a licensed physician in the state of
14 Oklahoma who specializes in gerontology,

15 b. one shall be a representative of an organization that
16 educates seniors in the legislative process and
17 highlights their needs to the Legislature, and

18 c. one shall be a member of a nonprofit, nonpartisan
19 membership organization for people age fifty (50)
20 years and older;

21 2. Three shall be appointed by the President Pro Tempore of the
22 State Senate as follows:

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- a. one shall be a licensed mental health professional with expertise in treating individuals age sixty (60) and over,
- b. one shall be an individual with a demonstrated interest in improving services to the aging community, and
- c. one shall be a member of the Oklahoma State Council on Aging;

3. Five shall be appointed by the Governor as follows:

- a. one shall be the Director of an Area Agency on Aging,
- b. one shall be a licensed alcohol and drug counselor with expertise in treating individuals age sixty (60) and over,
- c. one shall be an attorney licensed in the State of Oklahoma who specializes in the practice of elder law,
- d. one shall be a consumer of the aging services system, and
- e. one shall represent a community action agency; and

4. Nine shall be public sector representatives as follows:

- a. the Director of the Department of Human Services, or designee,
- b. the Commissioner of the State Department of Health, or designee,

- 1 c. the Commissioner of the Department of Mental Health
2 and Substance Abuse Services, or designee,
3 d. the Chief Executive Officer of the Oklahoma Health
4 Care Authority, or designee,
5 e. the Insurance Commissioner, or designee,
6 f. the Director of the Office of Disability Concerns, or
7 designee,
8 g. the Director of the Oklahoma Department of
9 Transportation, or designee,
10 h. the Director of the Oklahoma Department of Commerce,
11 or designee, and
12 i. the Attorney General of the State of Oklahoma, or
13 designee.

14 B. Appointed members, other than the ex officio members, shall
15 serve terms of four (4) years; provided, of those members initially
16 appointed by the Speaker of the Oklahoma House of Representatives,
17 one shall be appointed for a two-year term; of those members
18 initially appointed by the President Pro Tempore of the State
19 Senate, one shall be appointed for a two-year term; and of those
20 members initially appointed by the Governor, two shall be appointed
21 for a two-year term. Appointed members shall continue in office
22 until a successor is appointed and all vacancies shall be filled in
23 the same manner as the original appointment was made.
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1 C. The Director of the Department of Human Services shall
2 convene an organizational meeting of the Oklahoma Commission on
3 Aging prior to December 1, 2010, at which time members of the
4 Commission shall elect a chair, a vice-chair and other officers as
5 needed. Officers elected by the Commission shall serve for one (1)
6 year and shall serve no more than three (3) consecutive years in any
7 office to which the Commission member is elected. A majority of the
8 members of the Commission shall constitute a quorum for the
9 transaction of business.

10 D. The Commission shall meet at least once every three (3)
11 months to transact its business and may meet at such additional
12 times as the Commission may determine.

13 E. The Commission shall meet in accordance with the provisions
14 of the Oklahoma Open Meeting Act.

15 F. Members of the Commission shall receive no compensation for
16 serving on the Commission but shall receive travel reimbursement as
17 follows:

18 1. State agency officers and employees who are members of the
19 Commission shall be reimbursed for travel expenses incurred in the
20 performance of their duties by their respective agencies in
21 accordance with the State Travel Reimbursement Act; and

22 2. Remaining members shall be reimbursed by the Commission from
23 any funds received by the Commission for travel expenses incurred in
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1 the performance of their duties in accordance with the State Travel
2 Reimbursement Act.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-1953.3 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 The Oklahoma Commission on Aging shall have the power and duty
7 to:

8 1. Appoint a Director who shall have at least five (5) years of
9 experience in the implementation and administration of services to
10 individuals age sixty (60) and over;

11 2. Employ, direct, discharge and define the duties and set the
12 salaries of other staff as necessary;

13 3. Establish and maintain the Office of Aging Services
14 Oversight and Accountability;

15 4. Establish and maintain the Office of Planning and
16 Coordination for Aging Services;

17 5. Receive funds from any public or private source;

18 6. Enter into contractual agreements to assist with the
19 administration of the Commission and provide technical assistance to
20 communities upon request;

21 7. Facilitate joint planning and service coordination among
22 public and private agencies that provide services to individuals age
23 sixty (60) and over;

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1 8. Review the programs, policies and services for individuals
2 age sixty (60) and over provided by public and private agencies for
3 compliance with established state policies and make reports
4 regarding such compliance and recommendations for improvement;

5 9. Make a report to the Governor and the Legislature no later
6 than November 1 of each year regarding activities of the Commission
7 and any recommendations to improve the capacity and efficiency of
8 the aging services system;

9 10. Promulgate rules necessary to implement the duties and
10 responsibilities of the Commission; and

11 11. Perform such other duties and have such other
12 responsibilities as necessary to implement the provisions of this
13 act.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-1953.4 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 A. The Office of Aging Services Oversight and Accountability
18 shall have the authority to examine all records pertaining to the
19 aging services system and the responsibility to investigate
20 complaints filed with the Office with respect to the system and to
21 monitor the quality and adequacy of services and programs, including
22 consumer protection programs, for persons age sixty (60) and over.

23 B. It shall further be the duty of the Office of Aging Services
24 Oversight and Accountability to:

1 1. Review the reports of inspections and investigations
2 conducted by the State Department of Health, the Department of Human
3 Services, and the State Fire Marshal as they relate to the services
4 and programs provided to persons age sixty (60) and over;

5 2. Issue reports to the Governor, Speaker of the House of
6 Representatives, President Pro Tempore of the Senate, the director
7 of any agency under consideration and such other persons as
8 necessary and appropriate;

9 3. Hold public hearings; and

10 4. Make recommendations to the Oklahoma Commission on Aging.

11 C. The Office of Aging Services Oversight and Accountability
12 shall not release information that would identify a person who makes
13 a complaint to the Office, unless a court of competent jurisdiction
14 orders release of the information for good cause shown.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-1953.5 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 The Office of Planning and Coordination for Aging Services
19 shall:

20 1. Convene meetings of public and private agencies that provide
21 services to persons age sixty (60) and over for the purpose of
22 facilitating and implementing joint planning and service
23 coordination among agencies in the aging services system;

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1 2. Annually prepare, in cooperation with the Aging Services
2 Division of the Department of Human Services, a state plan for
3 services to individuals age sixty (60) and over;

4 3. Examine all plans, budgets and related documents related to
5 the planning, coordination and development of the aging services
6 system;

7 4. Review, monitor and evaluate the aging services system
8 regarding the development of services and a rebalancing of the long-
9 term care system, progress toward effective joint planning and
10 service coordination, and compliance with established state policies
11 and goals;

12 5. Develop and implement a single point of entry to the aging
13 services system by January 1, 2011, which shall include helpful and
14 accurate information, counseling regarding available services and
15 options to streamline the program eligibility determination process;

16 6. Monitor and evaluate the administration of the single-point-
17 of-entry system and issue an annual report regarding the quality and
18 timeliness of the information, counseling and eligibility
19 determination services being delivered;

20 7. Facilitate the discussion of issues related to the aging
21 services system in a public forum, as necessary; and

22 8. Issue reports to the Governor, Speaker of the House of
23 Representatives, President Pro Tempore of the Senate, the director
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1 of any public or private agency, and such other persons as necessary
2 and appropriate.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-1953.6 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 There is hereby created in the State Treasury a revolving fund
7 for the Oklahoma Commission on Aging, to be designated the "Oklahoma
8 Commission on Aging Revolving Fund". The fund shall be a continuing
9 fund, not subject to fiscal year limitations, and shall consist of
10 all monies received by the Oklahoma Commission on Aging. All monies
11 accruing to the credit of the fund are hereby appropriated and may
12 be budgeted and expended by the Commission to meet expenses
13 necessary for carrying out the provisions of this act. Expenditures
14 from the fund shall be approved by the members of the Commission and
15 made upon warrants issued by the State Treasurer against claims
16 filed as prescribed by law with the Director of the Office of State
17 Finance for approval and payment.

18 SECTION 7. This act shall become effective November 1, 2010.

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