

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1349

By: Blackwell

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5  
6 AS INTRODUCED

7 An Act relating to children; requiring the Department  
8 of Human Services to develop plan to outsource foster  
9 care services; defining term; providing deadline for  
10 submission of plan; specifying that a nonprofit  
11 agency shall serve as the lead agency in plan  
12 implementation; providing deadline for implementation  
13 of plan; providing for collaboration in the  
14 development of plan; allowing for participation by  
15 certain providers; specifying methodology for  
16 development of plan; requiring explanation from  
17 Department if certain goals are not met; requiring  
18 Department to specify efforts to meet certain goals;  
19 requiring Department to include certain alternatives;  
20 providing for an independent evaluator; specifying  
21 duties of independent evaluator; authorizing certain  
22 private agencies to act as guardians of certain  
23 children; specifying limitations of guardianship  
24 authority of certain agencies; specifying Department  
shall remain responsible for permanency outcomes;  
directing Department to develop certain requirements  
for participating private agencies; requiring  
participating agencies to demonstrate certain  
capabilities prior to transfer of services; providing  
for the creation of alternative plans for certain  
underserved parts of state; requiring independent  
evaluator to provide certain report; providing for  
the creation of a quality assurance program;  
specifying standards of quality assurance program;  
providing for certain independent audits; authorizing  
Department to suggest certain additional items in  
audits; providing for codification; and providing an  
effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 1-9-123 of Title 10A, unless  
4 there is created a duplication in numbering, reads as follows:

5 A. The Department of Human Services shall develop a plan to  
6 outsource the provision of foster care and related services  
7 statewide. As used in this section, the term "outsource" means the  
8 Department shall contract with competent private social services  
9 agencies for the provision of services. The Department shall submit  
10 a plan to accomplish outsourcing statewide, through a competitive  
11 process, no later than July 1, 2012. The plan shall provide for the  
12 selection of a nonprofit agency to serve as the lead agency in  
13 implementing the plan. Implementation of the plan shall be  
14 completed no later than July 1, 2014.

15 B. The plan shall be developed with local community  
16 participation, including, but not limited to, input from community-  
17 based providers that are currently under contract with the  
18 Department to furnish community-based services as well as agencies  
19 expressing an interest in the outsourcing opportunity and with  
20 experience in outsourcing these services from other states or within  
21 the state; and shall include a methodology for determining and  
22 transferring all available funds, including federal funds that the  
23 selected provider is eligible for and agrees to earn. The  
24 methodology shall provide for the transfer of funds appropriated and

1 budgeted for all services and programs that have been incorporated  
2 into the project, including all management, capital (including  
3 current furniture and equipment), and administrative funds to  
4 accomplish the transfer of these programs. This methodology shall  
5 address expected workload and at least the three (3) previous years'  
6 experience in expenses and workload. With respect to any portion of  
7 the state, not to exceed, cumulatively, twenty-five percent (25%) of  
8 the current child welfare population, in which outsourcing cannot be  
9 accomplished within the two-year time frame, the Department shall  
10 clearly state in its plan the reasons the time frame cannot be met  
11 and the efforts that shall be made to remediate the obstacles, which  
12 shall include alternatives to total outsourcing, such as public-  
13 private partnerships. An independent evaluator recommended by the  
14 Department and approved by the Legislature shall evaluate the  
15 Department's assessment with respect to any portion of the state in  
16 which outsourcing cannot be accomplished within the time frame and  
17 report their findings along with the Department's plan.

18 C. A private agency with case management responsibilities  
19 transferred from the state under this section may act as the child's  
20 guardian for the purpose of registering the child in school if a  
21 parent or guardian of the child is unavailable and whereabouts of  
22 the parent or guardian cannot reasonably be ascertained. The  
23 private agency may also seek emergency medical attention for such a  
24 child, but only if a parent or guardian of the child is unavailable,

1 the whereabouts of the parent or guardian cannot reasonably be  
2 ascertained, and a court order for emergency medical services cannot  
3 be obtained because of the severity of the emergency or because it  
4 is after normal working hours. However, the provider may not  
5 consent to sterilization, abortion, or termination of life support.  
6 If parental rights have been terminated, the agency shall act as  
7 guardian of the child in all circumstances. Provided, however, that  
8 the permanency outcomes for the child remain the responsibility of  
9 the Department.

10 D. The Department shall develop requirements and criteria a  
11 private agency must meet in order to participate in the outsourcing  
12 program. In addition, the Department shall not transfer services to  
13 a private agency unless the agency has demonstrated readiness and  
14 ability to carry out all of the outsourcing tasks, achieve the  
15 stated outcomes and is prepared to be accountable for a child or  
16 children.

17 E. In communities where economic or demographic constraints  
18 make it impossible or not feasible to competitively contract with a  
19 lead agency, the Department shall develop an alternative plan in  
20 collaboration with the local community, which may include  
21 establishing innovative geographical configurations or consortia of  
22 agencies. The independent evaluator shall include an assessment of  
23 these identified communities and an opinion as to the feasibility to  
24 competitively contract with a lead agency in the report that shall

1 accompany the Department's plan. The plan shall detail how the  
2 community will continue to implement community-based care through  
3 competitively procuring either the specific components of foster  
4 care and related services or comprehensive services for defined  
5 eligible populations of children and families from qualified  
6 licensed agencies as part of its efforts to develop the local  
7 capacity for a community-based system of coordinated care. The plan  
8 shall ensure local control over the management and administration of  
9 the service provision in accordance with the intent of this section  
10 and may include recognized best business practices, including some  
11 form of public or private partnerships.

12 F. The Department, in consultation with the community-based  
13 agencies that are undertaking the outsourced projects, shall  
14 establish a quality assurance program for privatized services. The  
15 quality assurance program shall be based on standards established by  
16 the federal Adoption and Safe Families Act (Public Law 105-89) as  
17 well as by a national accrediting organization such as the Council  
18 on Accreditation of Services for Families and Children, Inc. (COA)  
19 or CARF - the Rehabilitation Accreditation Commission. Each program  
20 operated under contract with a community-based agency shall be  
21 evaluated annually by the Department. The Department shall, to the  
22 extent possible, use independent financial audits provided by the  
23 community-based care agency to eliminate or reduce the ongoing  
24 contract and administrative reviews conducted by the Department.

1 The Department may suggest additional items to be included in such  
2 independent financial audits to meet the Department's needs.

3 SECTION 2. This act shall become effective November 1, 2011.

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