

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2736

By: Peters

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5
6 AS INTRODUCED

7 An Act relating to children; directing the Department
8 of Human Services to outsource certain social
9 services; specifying the Department shall retain
10 certain responsibilities; defining term; providing
11 for the selection of certain agencies; providing the
12 Department authority to establish certain
13 requirements; providing for the transfer or
14 termination of certain employees; providing for the
15 creation of a Steering Committee; providing for the
16 appointment of Steering Committee members; providing
17 for the selection of cochairs; directing certain
18 Steering Committee members to make available certain
19 resources; requiring legislative staff to provide
20 support to the Steering Committee; specifying
21 requirements; providing for the submission of certain
22 advisory plan; specifying required contents of plan;
23 specifying the plan outcomes shall be based upon
24 certain federal act; specifying plan shall be
consistent with certain settlement agreement;
directing Department to establish a quality assurance
program; specifying requirements; requiring
participating agencies to have certain accreditation;
limiting services of unaccredited agencies; amending
Section 1, Chapter 17, O.S.L. 2011, which relates to
the creation of the Foster Care System Improvement
Task Force; extending duration of Task Force;
eliminating travel reimbursement; providing for
codification; providing an effective date; and
declaring an emergency.

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

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

4 A. The Department of Human Services shall outsource the
5 provision of foster care, emergency foster care, therapeutic foster
6 care, contracted foster care, kinship foster care, other out-of-home
7 foster placements statewide and other related services as may be
8 determined by the Department. The Department shall retain
9 responsibility for child abuse and neglect investigations, referrals
10 to law enforcement, prosecutors and the courts, case management
11 duties and adoptions. As used in this section, the term "outsource"
12 means the Department shall contract with competent private child-
13 placing agencies for the provision of services. The Department
14 shall provide for the selection of private child-placing agencies in
15 each Department area. The Department shall establish all
16 requirements and criteria for child-placing agencies based upon the
17 readiness and ability of the agency to achieve outcomes determined
18 by the Department. Any employee of the Department of Human Services
19 whose position is eliminated as a result of the outsourcing of
20 placement services may be retained by the Department if a position
21 is available. Any Department of Human Services employee not
22 retained by the Department may be terminated by operation of law.

23 B. A Steering Committee shall develop an advisory plan for the
24 Legislature to consider for the outsourcing of child-placing

1 services. The members of the Steering Committee shall be as
2 follows:

3 1. The Director of the Department of Human Services or
4 designee;

5 2. The Executive Director of the Oklahoma Healthcare Authority
6 or designee;

7 3. The Director of the Office of State Finance or designee;

8 4. The House author of this act who shall serve in an advisory
9 capacity and shall not be a voting member of the Steering Committee;

10 5. The Senate author of this act who shall serve in an advisory
11 capacity and shall not be a voting member of the Steering Committee;

12 6. Two members to be appointed by the Speaker of the House of
13 Representatives, as follows:

14 a. one member representing a licensed child-placing
15 agency without national accreditation who shall serve
16 as cochair, and

17 b. one member representing private child-placing agencies
18 with experience in some aspect of foster care or
19 therapeutic foster care;

20 7. Two members to be appointed by the President Pro Tempore of
21 the Senate, as follows:

22 a. one member representing a licensed child-placing
23 agency with national accreditation who shall serve as
24 cochair, and

1 b. one member representing a statewide association of
2 foster parents;

3 8. Two members to be appointed by the Governor, as follows:

4 a. one member representing an agency with experience in
5 the management of a community- or faith-based social
6 service, and

7 b. one member who shall be a judge with experience in the
8 trial and disposition of cases involving deprived
9 children; and

10 9. Other members as may be appointed with the consent of a
11 majority of the current members voting at a scheduled meeting, not
12 to exceed a total of three additional members.

13 C. The members of the Steering Committee who are directors of
14 state agencies shall make available agency resources as are
15 necessary to carry out the provisions of this section. Department
16 of Human Services' staff utilizing current agency resources shall
17 support the Steering Committee. Support shall include gathering
18 necessary information for the Steering Committee, hosting the
19 Steering Committee meetings and conference calls, providing meeting
20 announcements as well as agendas and minutes of the Steering
21 Committee and subcommittees as directed by the cochairs and
22 preparing reports for the review and approval of the Steering
23 Committee.

1 D. The advisory plan shall be submitted to the Speaker of the
2 House of Representatives and the President Pro Tempore of the Senate
3 no later than February 1, 2013. The advisory plan shall include a
4 methodology for determining and transferring all funds, including
5 federal funds, that contracted providers are eligible to receive for
6 services provided. The methodology shall provide for the transfer
7 of funds appropriated and budgeted for all services and programs
8 that have been incorporated into the project, including all
9 management, capital and administrative funds to accomplish the
10 transfer of these programs. The advisory plan shall provide for the
11 privatization of traditional and kinship foster care with fifty
12 percent (50%) of all traditional and kinship foster placements to be
13 transferred to private agencies no later than December 31, 2013,
14 eighty percent (80%) no later than December 31, 2014, and one
15 hundred percent (100%) no later than December 31, 2015. The
16 advisory plan shall also identify areas or regions of the state in
17 which the implementation of privatization may exceed a three-year
18 time frame due to a lack of service providers. The advisory plan
19 shall include reimbursement rates for private agencies, a minimum
20 rate to be paid to foster parents, and an in-home intensive family
21 stabilization and support rate for services to children at risk of
22 removal as identified by the Department and referred to private
23 contractors.

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1 E. The advisory plan shall specify that judges presiding over
2 deprived child cases shall have discretion to make placement
3 determinations in the best interest of the child, including findings
4 and orders which may include private child-placing agencies.

5 F. The advisory plan shall address expected workload, program
6 experience and other requirements necessary for child-placing
7 agencies to qualify as service providers. Providers may include
8 community organizations, faith-based groups, and private entities
9 with experience in the field of child welfare. The advisory plan
10 shall also identify areas or regions of the state in which
11 implementation of privatization may exceed a three-year time frame
12 due to a lack of service providers. The advisory plan shall be
13 implemented in full by December 31, 2015, or three (3) years after
14 adoption by the Legislature.

15 G. The advisory plan shall include outcomes pertaining to child
16 safety, permanency and well-being mutually agreed upon by the
17 Steering Committee based upon standards established by the federal
18 Adoption and Safe Families Act, Public Law 105-89. The advisory
19 plan shall also be consistent with any requirement placed upon the
20 Department pursuant to the settlement of litigation agreement
21 completed in 2012.

22 H. The Department shall establish a quality assurance program
23 for privatized services. The quality assurance program shall be
24 based on standards established by the federal Adoption and Safe

1 Families Act, Public Law 105-89, as well as by a national
2 accrediting organization such as the Council on Accreditation of
3 Services for Families and Children, Inc., the Commission on
4 Accreditation of Rehabilitation Facilities, the Joint Commission on
5 the Accreditation of Healthcare Organizations, or by another
6 equivalent accreditation agency, or agencies, as the Secretary of
7 the United States Department of Health and Human Services may
8 recognize. The Department shall evaluate each contractor annually.

9 I. Agencies contracting with the Department for the
10 privatization of services shall be accredited by the Joint
11 Commission on Accreditation of Healthcare Organizations, the
12 Commission on Accreditation of Rehabilitation Facilities, the
13 Council on Accreditation, or by another equivalent accreditation
14 agency, or agencies, as the Secretary of the United States
15 Department of Health and Human Services may recognize. An agency
16 lacking accreditation shall have a contract signed with an
17 accredited agency and shall be limited to offering traditional
18 foster care placements.

19 SECTION 2. AMENDATORY Section 1, Chapter 17, O.S. 2011,
20 is amended to read as follows:

21 Section 1. A. There is hereby created until January 1, ~~2013~~
22 2014, the Foster Care System Improvement Task Force.

23 B. The task force shall consist of twenty-three (23) members as
24 follows:

- 1 1. The Director of the Oklahoma Commission on Children and
2 Youth, or designee;
- 3 2. The Director of the Department of Human Services, or
4 designee;
- 5 3. The Executive Coordinator of the District Attorneys Council,
6 or designee;
- 7 4. A child welfare worker employed by the Department of Human
8 Services to be appointed by the Director of the Department of Human
9 Services;
- 10 5. Three presiding judges of courts having juvenile law
11 jurisdiction, one from Tulsa County, one from Oklahoma County and
12 one from a district other than Tulsa and Oklahoma Counties to be
13 appointed by the President of the State Judicial Conference;
- 14 6. Eight members shall be appointed by the Speaker of the
15 Oklahoma House of Representatives as follows:
 - 16 a. one shall be the president of a state foster parent
17 association,
 - 18 b. one shall be an individual who has recent experience
19 providing foster care for a child placed in the home
20 for more than six (6) months,
 - 21 c. one shall be a representative of a child-advocacy
22 organization,
 - 23 d. one shall be a member of an Oklahoma Indian child
24 welfare association,

- e. one shall be a court-appointed special advocate for deprived children,
- f. one shall be a representative of a faith-based organization that is actively involved in working with the foster care system,
- g. one shall be a member of a local multidisciplinary coalition of children's services providers that works to improve and strengthen the child protection system, and
- h. one shall be a member of the Oklahoma House of Representatives; and

7. Eight members shall be appointed by the President Pro Tempore of the Oklahoma State Senate as follows:

- a. one shall represent a statewide association of therapeutic foster care agencies,
- b. one shall be a former foster youth,
- c. one shall represent a statewide association of youth services agencies,
- d. one shall be a child welfare worker employed by the Department of Human Services selected from a list submitted by a statewide public employee association,
- e. one shall be a public defender with experience representing the interests of deprived children,

1 f. one shall be a member of a statewide association
2 representing psychiatric hospitals,

3 g. one shall be a representative of a nonprofit
4 organization comprised of agencies that provide child
5 care to deprived children, and

6 h. one shall be a member of the Oklahoma State Senate.

7 C. 1. Members shall serve at the pleasure of their appointing
8 authorities. A vacancy on the task force shall be filled by the
9 original appointing authority.

10 2. Appointments to the task force shall be made within thirty
11 (30) days of the effective date of this act.

12 3. A majority of the members of the task force shall constitute
13 a quorum. A majority of the members present at a meeting may act
14 for the task force.

15 4. The Director of the Oklahoma Commission on Children and
16 Youth, or designee, and task force member who represents a child-
17 advocacy organization shall serve as cochairs of the task force and
18 shall hold an organizational meeting no later than July 1, 2011.

19 D. Staff assistance for the task force shall be provided by the
20 Oklahoma House of Representatives, the Oklahoma State Senate and the
21 Oklahoma Commission on Children and Youth.

22 E. All departments, officers, agencies and employees of this
23 state shall cooperate with the task force in fulfilling its duties
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1 and responsibilities including, but not limited to, providing any
2 information, records or reports requested by the task force.

3 F. Members of the task force may, as necessary, seek the advice
4 and input of professionals who are not members of the task force and
5 the services of experts in furtherance of their duties.

6 G. The Foster Care System Improvement Task Force may divide
7 into subcommittees in furtherance of its purpose.

8 H. Members of the task force shall receive no compensation for
9 their service, ~~but shall receive travel reimbursement as follows:~~

10 ~~1. Legislative members of the task force shall be reimbursed~~
11 ~~for necessary travel expenses incurred in the performance of their~~
12 ~~duties in accordance with the provisions of Section 456 of Title 74~~
13 ~~of the Oklahoma Statutes; and~~

14 ~~2. Nonlegislative members of the task force shall be reimbursed~~
15 ~~by their appointing authorities or respective agencies for necessary~~
16 ~~travel expenses incurred in the performance of their duties in~~
17 ~~accordance with the State Travel Reimbursement Act and shall not~~
18 ~~receive travel reimbursement.~~

19 SECTION 3. This act shall become effective July 1, 2012.

20 SECTION 4. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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