

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 726

By: Holt

6 AS INTRODUCED

7 An Act relating to public health; amending 63 O.S.
8 2011, Section 1-502.1, which relates to communicable
9 diseases; renaming the Oklahoma Cerebral Palsy
10 Commission as the J.D. McCarty Center Commission;
11 amending 63 O.S. 2011, Sections 485.3, 485.4, 485.9,
12 and 485.11, as amended by Section 504, Chapter 304,
13 O.S.L. 2012 (63 O.S. Supp. 2012, Section 485.11),
14 which relate to the Oklahoma Cerebral Palsy
15 Commission; renaming the Oklahoma Cerebral Palsy
16 Commission as the J.D. McCarty Center Commission;
17 deleting obsolete references; and providing an
18 effective date.

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

20 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-502.1, is
21 amended to read as follows:

22 Section 1-502.1. A. All agencies and organizations that
23 regularly employ emergency medical technicians, paramedics, fire
24 fighters, peace officers, as defined in Section 648 of Title 21 of
the Oklahoma Statutes, correctional officers and employees, or
health care workers, all mental health or mentally retarded
treatment or evaluation programs that employ persons involved with
providing care for patients, the J.D. McCarty Center for Children

1 with Developmental Disabilities, and all juvenile institutions of
2 the Department of Human Services shall implement the universal
3 precautions for the prevention of the transmission of communicable
4 diseases published by the Centers for Disease Control, U.S. Public
5 Health Service, in the Morbidity and Mortality Weekly Report, Volume
6 36, Number 2S or as subsequently amended.

7 B. The State Board of Health shall promulgate rules and
8 guidelines that will implement a system of notification of emergency
9 medical technicians, paramedics, fire fighters, health care workers,
10 funeral directors and peace officers relating to risk exposures
11 during health care activities, emergency response activities or
12 funeral preparations. Risk exposure shall be defined by the State
13 Board of Health to be exposure that is epidemiologically
14 demonstrated to have the potential for transmitting a communicable
15 disease.

16 C. The Mental Health Board, ~~Commission for Human Services,~~
17 ~~Oklahoma Cerebral Palsy~~ J.D. McCarty Center Commission, and State
18 Board of Corrections shall each promulgate rules, guidelines or
19 policies to provide for such notification of risk exposures to
20 persons employed by such agencies.

21 SECTION 2. AMENDATORY 63 O.S. 2011, Section 485.3, is
22 amended to read as follows:

23 Section 485.3. A. The ~~Oklahoma Cerebral Palsy~~ J.D. McCarty
24 Center Commission is hereby authorized and empowered to:

1 1. Establish and maintain the J.D. McCarty Center for Children
2 with Developmental Disabilities, to provide care, maintenance,
3 training, treatment, habilitation and rehabilitation of persons
4 afflicted with cerebral palsy and other developmental disabilities
5 within such institute;

6 2. Set fees and charges for patient services;

7 3. Provide care, maintenance, training, treatment and
8 rehabilitation services to children not afflicted with cerebral
9 palsy or developmental disabilities but who may benefit from the
10 services available from the J.D. McCarty Center for Children with
11 Developmental Disabilities, as determined to be practicable by the
12 ~~Oklahoma Cerebral Palsy~~ J.D. McCarty Center Commission;

13 4. Provide services to any adults who may benefit from services
14 available from the J.D. McCarty Center for Children with
15 Developmental Disabilities, as determined to be practicable by the
16 ~~Oklahoma Cerebral Palsy~~ J.D. McCarty Center Commission; provided,
17 that services to adults shall not diminish any services available to
18 children;

19 5. Enter into contracts for the purchase of real estate or
20 other property and to buy or sell real estate, personal property and
21 equipment necessary or incidental to the carrying out of the
22 provisions of Sections 485.1 through 485.11 of this title; and

23 6. Enter into contracts with the ~~Commission for~~ Department of
24 Human Services and with other agencies of the state and of the

1 counties in furtherance of the provisions of Sections 485.1 through
2 485.11 of this title; provided, the ~~Oklahoma Cerebral Palsy~~ J.D.
3 McCarty Center Commission shall receive from the ~~Commission for~~
4 Department of Human Services payments aggregating a minimum of One
5 Hundred Thousand Dollars (\$100,000.00) annually from funds set aside
6 in the Children with Special Health Care Needs Program; and provided
7 further, the ~~Oklahoma Cerebral Palsy~~ J.D. McCarty Center Commission
8 may negotiate with the ~~Commission for~~ Department of Human Services
9 or its successors for additional payments above One Hundred Thousand
10 Dollars (\$100,000.00) from such funds.

11 B. The Commission shall be charged with the duties of
12 management and control of the J.D. McCarty Center for Children with
13 Developmental Disabilities and shall have power to sue or be sued in
14 its own name.

15 C. The Attorney General shall furnish the Commission with legal
16 representation. The Commission shall not contract for private legal
17 counsel except for extraordinary situations other than normal day-
18 to-day situations, and when approved by the Attorney General.

19 D. For the purposes of moving the J.D. McCarty Center for
20 Children with Developmental Disabilities to its new facilities, the
21 ~~Oklahoma Cerebral Palsy~~ J.D. McCarty Center Commission may sell
22 surplus property and fixtures. Such sale of surplus property and
23 fixtures shall be exempt from Sections 62.2 through 62.6 of Title 74
24 of the Oklahoma Statutes. The Commission shall sell such surplus

1 property and fixtures at fair market value as determined by the
2 members of the Commission. The process for the sale and transfer of
3 title shall originate with the Commission. All proceeds from such
4 sale of the property and fixtures shall be deposited into the J.D.
5 McCarty Center for Children with Developmental Disabilities
6 Revolving Fund.

7 SECTION 3. AMENDATORY 63 O.S. 2011, Section 485.4, is
8 amended to read as follows:

9 Section 485.4. The ~~Oklahoma Cerebral Palsy~~ J.D. McCarty Center
10 Commission is authorized to accept and receive gifts and bequests of
11 money and property, both real and personal, which may be tendered by
12 will or gift, conditionally or unconditionally, for the use of the
13 Commission in the exercise of its powers and duties described in
14 this act. The Commission shall administer the property or funds in
15 the manner consistent with the terms of the gift and provisions of
16 law. The Commission is hereby directed, authorized, and empowered
17 to hold such funds in trust or invest them and use either principal
18 or interest in keeping with the terms of the gift as stipulated by
19 the donors for the sole benefit of the Commission in the performance
20 of its duties provided herein.

21 SECTION 4. AMENDATORY 63 O.S. 2011, Section 485.9, is
22 amended to read as follows:

23 Section 485.9. A. The names of the "Oklahoma Cerebral Palsy
24 Center", formerly the "Oklahoma Cerebral Palsy Institute", and the

1 "Oklahoma Spastic Paralysis Commission" and the "Cerebral Palsy
2 Commission" are hereby changed to the "J.D. McCarty Center for
3 Children with Developmental Disabilities" and the "~~Cerebral Palsy~~
4 J.D. McCarty Center Commission", respectively.

5 B. Wherever in the statutes of this state the name "Oklahoma
6 Cerebral Palsy Institute" or "Oklahoma Cerebral Palsy Center"
7 occurs, the reference shall be deemed to be to the "J.D. McCarty
8 Center for Children with Developmental Disabilities"; and wherever
9 in ~~said~~ statutes the name "Oklahoma Spastic Paralysis Commission" or
10 "Cerebral Palsy Commission" appears, this reference shall be deemed
11 to be to the "~~Cerebral Palsy~~ J.D. McCarty Center Commission".

12 SECTION 5. AMENDATORY 63 O.S. 2011, Section 485.11, as
13 amended by Section 504, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
14 2012, Section 485.11), is amended to read as follows:

15 Section 485.11. There is hereby created in the State Treasury a
16 revolving fund for the ~~Oklahoma Cerebral Palsy~~ J.D. McCarty Center
17 Commission to be designated the "J.D. McCarty Center for Children
18 with Developmental Disabilities Revolving Fund". The fund shall
19 consist of all monies received by the Commission pursuant to
20 statutory authority, but not including appropriated funds, gifts and
21 bequests. The revolving fund shall be a continuing fund, not
22 subject to fiscal year limitations and shall be under the control
23 and management of the administrative authorities of the Commission.
24 Expenditures from the fund shall be made pursuant to the laws of the

1 state and the statutes relating to the Commission and may include up
2 to Twenty-five Thousand Dollars (\$25,000.00) in expenditures for
3 capital improvements within a single fiscal year or as otherwise
4 provided by the Legislature. Warrants for expenditures from the
5 fund shall be drawn by the State Treasurer, based on claims signed
6 by an authorized employee or employees of the Commission and
7 approved for payment by the Director of the Office of Management and
8 Enterprise Services.

9 SECTION 6. This act shall become effective November 1, 2013.

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