

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 3708

By: Wallace and Casey of the
House

and

David and Fields of the
Senate

COMMITTEE SUBSTITUTE

An Act relating to the Department of Human Services;
requiring that portions of certain appropriated funds
be used for certain purposes and priorities;
providing that certain payment rates be increased by
certain percentages; providing that certain payment
rates be increased to certain levels; providing for
certain salary increases; requiring certain salary
increases be in addition to other increase; stating
that certain provisions are fulfillments of certain
obligations; providing an effective date for certain
raises; requiring certain funds be used for
implementation of certain waivers; prioritizing
expenditures of potential increases in federal
funding; directing certain transfer; stating purpose;
requiring certain expenditures be reduced;
appropriating certain federal monies; stating
purpose; authorizing early transfers of certain funds
for specific purposes; directing certain transfer of
appropriated funds in requested amounts and ratios;
requiring maintenance of certain records; providing
for lapse of funds under certain conditions;
requiring certain budget procedures; prohibiting
certain budget procedures; providing an effective
date; and declaring an emergency.

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

2 SECTION 1. From the funds appropriated to the Department of
3 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
4 of the 56th Oklahoma Legislature, the sum of Four Million Six
5 Hundred Twenty Thousand Dollars (\$4,620,000.00) shall be used to
6 restore adoption subsidy payments and foster care rates to the
7 levels authorized by the Oklahoma Legislature in May 2017.

8 SECTION 2. From the funds appropriated to the Department of
9 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
10 of the 56th Oklahoma Legislature, the sum of Nine Hundred Sixty
11 Thousand Dollars (\$960,000.00) shall be used to increase the
12 salaries of Child Welfare Specialist positions to fulfill the
13 obligations of Year Five of the Pinnacle Plan. Such salary
14 increases shall be in addition to those provided for in Enrolled
15 House Bill No. 1024 of the 2nd Extraordinary Session of the 56th
16 Oklahoma Legislature.

17 SECTION 3. From the funds appropriated to the Department of
18 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
19 of the 56th Oklahoma Legislature, the sum of Two Million Dollars
20 (\$2,000,000.00) shall be used for providing services for persons
21 with developmental disabilities. These funds shall be used to
22 provide additional services and programs for persons with
23 developmental disabilities in order to reduce the size of the
24 Developmental Disabilities Services Division Waiting List in

1 chronological order and shall be used to supplement rather than
2 replace existing resources and programs.

3 SECTION 4. From the funds appropriated to the Department of
4 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
5 of the 56th Oklahoma Legislature, an adequate amount shall be used
6 to increase adoption subsidy payments by five percent (5%).

7 SECTION 5. From the funds appropriated to the Department of
8 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
9 of the 56th Oklahoma Legislature, an adequate amount shall be used
10 to increase foster care provider rates by five percent (5%).

11 SECTION 6. From the funds appropriated to the Department of
12 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
13 of the 56th Oklahoma Legislature, an adequate amount shall be used
14 to increase provider rates for child welfare contract group homes by
15 seven percent (7%).

16 SECTION 7. From the funds appropriated to the Department of
17 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
18 of the 56th Oklahoma Legislature, an adequate amount shall be used
19 to increase therapeutic foster care provider rates by five percent
20 (5%).

21 SECTION 8. From the funds appropriated to the Department of
22 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
23 of the 56th Oklahoma Legislature, an adequate amount shall be used
24 to increase provider rates for the Advantage program direct care

1 rates, state plan personal care direct care rates and case
2 management rates by seven percent (7%).

3 SECTION 9. From the funds appropriated to the Department of
4 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
5 of the 56th Oklahoma Legislature, an adequate amount shall be used
6 to increase Developmental Disabilities Services, Community Waiver,
7 Homeward Bound Waiver, In-home Supports Waiver for Adults, In-home
8 Supports Waiver for Children, State-funded Group Home, State-funded
9 Assisted Living, and all State-funded Employment and Vocational
10 Services direct care provider rates by seven percent (7%).

11 SECTION 10. The rate increases provided to Aging Services and
12 Developmental Disabilities Services in Sections 8 and 9 of this act
13 shall be effective July 1, 2018, or as soon thereafter as may be
14 approved by the Oklahoma Health Care Authority and the Centers for
15 Medicaid and Medicare Services (CMS).

16 SECTION 11. From the funds appropriated to the Department of
17 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
18 of the 56th Oklahoma Legislature, the sum of One Hundred Thousand
19 Dollars (\$100,000.00) shall be used to implement and maintain a
20 program to provide respite for caregivers of persons with
21 intellectual disabilities who qualify for Medicaid services and meet
22 the Intermediate Care Facilities for individuals with Intellectual
23 Disability (ICF/ID) level of care. The Department shall apply for a
24 waiver or waivers to the Centers for Medicaid and Medicare Services

1 (CMS) to maximize funding for the voucher waiver program. The
2 waiver program shall not replace the Medicaid In-Home Supports
3 Waiver or the Community Waiver, but shall be used to support
4 caregivers who are awaiting access to those waivers.

5 SECTION 12. In a manner not inconsistent with the provisions of
6 this act, any increase in federal funding related to an increase in
7 the Federal Medical Assistance Percentage (FMAP) match rate shall be
8 expended by the Department of Human Services with priority given to
9 the Medicaid waived services to aging and developmental disabled
10 clients, the Child Care Subsidy program, and the Adoption Subsidy
11 program.

12 SECTION 13. From the funds appropriated to the Department of
13 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
14 of the 56th Oklahoma Legislature, the Department of Human Services
15 shall transfer Two Million Eight Hundred Thousand Dollars
16 (\$2,800,000.00) to the credit of the Child Abuse Multidisciplinary
17 Account established in Section 1-9-103 of Title 10A of the Oklahoma
18 Statutes, which shall be distributed according to Section 1-9-104 of
19 Title 10A of the Oklahoma Statutes.

20 SECTION 14. The Department shall reduce expenditures and
21 increase efficiencies in the Administrative and Finance Division so
22 that for the fiscal year ending June 30, 2019, spending of the
23 Division is at least One Hundred Thousand Dollars (\$100,000.00) less
24 than such spending during the fiscal year ending June 30, 2018.

1 SECTION 15. There is hereby appropriated to the Department of
2 Human Services all federal monies received by the state during the
3 fiscal year ending June 30, 2019, from the Temporary Assistance to
4 Needy Families Block Grant and the Child Care and Development Fund
5 Block Grant to meet the provisions of federal law relating to such
6 grants.

7 SECTION 16. The Director of the Department of Human Services
8 may request through the Director of the Office of Management and
9 Enterprise Services the early transfer by the Oklahoma Tax
10 Commission of tax collections to the General Revenue Fund for the
11 purpose of early allocation to the Department's disbursing funds to
12 alleviate cash-flow problems.

13 SECTION 17. A. The Director of the Office of Management and
14 Enterprise Services shall transfer monies appropriated from the
15 General Revenue Fund and Special Cash Fund to the Department of
16 Human Services' disbursing funds in the amounts and ratios requested
17 by the agency except that the cumulative amounts transferred shall
18 not exceed the cumulative amounts of equal monthly allotments of the
19 appropriations from the General Revenue Fund and Special Cash Fund.

20 B. Monies appropriated or collected for the fiscal year ending
21 June 30, 2019, may be transferred to these disbursing funds for the
22 fiscal year ending June 30, 2018, to satisfy encumbrances and
23 obligations of the fiscal year; provided, that monies equal in
24 amount are transferred from appropriations or collections for the

1 fiscal year ending June 30, 2018, to the disbursing funds for the
2 fiscal year ending June 30, 2019, to satisfy encumbrances and
3 obligations of the fiscal year. All transfer requests shall be in
4 writing to the Director of the Office of Management and Enterprise
5 Services.

6 C. The Department of Human Services shall maintain records of
7 such interyear transfers.

8 SECTION 18. Appropriations made by Enrolled Senate Bill No.
9 1600 of the 2nd Session of the 56th Oklahoma Legislature, not
10 including appropriations made for capital outlay purposes, may be
11 budgeted for the fiscal year ending June 30, 2019 (hereafter FY-19),
12 or may be budgeted for the fiscal year ending June 30, 2020
13 (hereafter FY-20). Funds budgeted for FY-19 may be encumbered only
14 through June 30, 2019, and must be expended by November 15, 2019.
15 Any funds remaining after November 15, 2019, and not budgeted for
16 FY-20, shall lapse to the credit of the proper fund for the then
17 current fiscal year. Funds budgeted for FY-20 may be encumbered
18 only through June 30, 2020. Any funds remaining after November 15,
19 2020, shall lapse to the credit of the proper fund for the then
20 current fiscal year. These appropriations shall not be budgeted in
21 both fiscal years simultaneously. Funds budgeted in FY-19, and not
22 required to pay obligations for that fiscal year, may be budgeted
23 for FY-20, after the agency to which the funds have been
24 appropriated has prepared and submitted a budget work program

1 revision removing these funds from the FY-19 budget work program and
2 after such revision has been approved by the Office of Management
3 and Enterprise Services.

4 SECTION 19. This act shall become effective July 1, 2018.

5 SECTION 20. It being immediately necessary for the preservation
6 of the public peace, health or 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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