

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED

SENATE BILL NO. 828

By: Griffin and Pittman of the  
Senate

and

Caldwell of the House

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Health Care Authority; creating the Nursing Facility Supplemental Payment Program Revolving Fund; specifying contents of fund and authorized expenditures; prohibiting use of fund for certain purposes; requiring the Health Care Authority to promulgate rules regarding assessment of penalties and interest, with limitations; repealing 63 O.S. 2011, Sections 5022 and 5022.1, which relate to wage and salary adjustments; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1011.13 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Health Care Authority to be designated the "Nursing Facility Supplemental Payment Program Revolving Fund". The

1 fund shall be a continuing fund, not subject to fiscal-year  
2 limitations, and shall consist of:

3 1. All monies received by the Authority from nonstate  
4 governmental organizations pursuant to the Nursing Facility  
5 Supplemental Payment Program;

6 2. Any interest or penalties levied and collected in  
7 conjunction with the administration of this act; and

8 3. All interest attributable to investment of money in the  
9 fund.

10 B. All monies accruing to the credit of the fund are hereby  
11 appropriated and may be budgeted and expended by the Authority for  
12 the purposes of:

13 1. Transferring funds for the state share of supplemental  
14 payments for the Oklahoma Medicaid Program; or

15 2. Transferring funds for the state share of administrative  
16 expenses incurred by the Authority or its agents and employees in  
17 performing the activities authorized by the Nursing Facility  
18 Supplemental Payment Program.

19 C. Expenditures from the fund shall be made upon warrants  
20 issued by the State Treasurer against claims filed as prescribed by  
21 law with the Director of the Office of Management and Enterprise  
22 Services for approval and payment.

23 D. Except for the transfers described in in subsection B of  
24 this section, monies in the Nursing Facility Supplemental Payment

1 Program Revolving Fund shall not be used to replace other general  
2 revenues appropriated and funded by the Legislature or other  
3 revenues used to support Medicaid.

4 E. The Nursing Facility Supplemental Payment Program Revolving  
5 Fund and the program specified in this section are exempt from  
6 budgetary cuts, reductions or eliminations.

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1011.14 of Title 56, unless  
9 there is created a duplication in numbering, reads as follows:

10 The Health Care Authority shall promulgate administrative rules  
11 that govern the assessment of penalties and interest against any  
12 non-state governmental organization that fails to timely pay the  
13 full amount of a quarterly intergovernmental transfer; provided,  
14 however, that the penalty assessed shall not exceed five percent  
15 (5%) of the quarterly amount not paid on or before the due date.  
16 Penalties and interest collected pursuant to this section shall be  
17 deposited in the Nursing Facility Supplemental Payment Program  
18 Revolving Fund, as described in Section 1 of this act.

19 SECTION 3. REPEALER 63 O.S. 2011, Sections 5022 and  
20 5022.1 are hereby repealed.

21 SECTION 4. This act shall become effective July 1, 2017.

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