

1 ENGROSSED SENATE
2 BILL NO. 1605

By: David and Fields of the
Senate

3 and

4 Wallace and Casey of the
5 House

6
7 An Act relating to the Oklahoma Health Care
8 Authority; directing the Authority to achieve savings
9 in an amount sufficient to provide certain rate
10 increases; requiring compliance with certain laws,
11 regulations and methodologies; providing for duties
12 and compensation of employees; authorizing payment of
certain expenses; providing process for exemptions;
authorizing certain transfers; providing procedures;
providing lapse dates; requiring and prohibiting
certain budget procedures; providing an effective
date; and declaring an emergency.

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

16 SECTION 1. After approval by Centers for Medicare and Medicaid
17 Services (CMS), but not earlier than October 1, 2018, through agency
18 administrative savings and efficiencies, the Oklahoma Health Care
19 Authority shall increase the current reimbursement rates for
20 SoonerCare-contracted long-term care facilities by three percent
21 (3%).

22 SECTION 2. After approval by Centers for Medicare and Medicaid
23 Services (CMS), but not earlier than October 1, 2018, through agency
24 administrative savings and efficiencies, the Oklahoma Health Care

1 Authority shall increase the current reimbursement rates for all
2 remaining SoonerCare-contracted provider types/groups by two percent
3 (2%) with the following exclusions: services financed through
4 appropriations to other state agencies, Durable Medical Equipment
5 Prosthetics, Orthotics and Supplies, non-emergency transportation,
6 services provided to Insure Oklahoma members, payments for drug
7 ingredients/physician supplied drugs, Indian Health Services/Indian
8 Tribal/Urban Clinics and Federally Qualified Health Centers, Program
9 for the All-inclusive Care for the Elderly and rural health centers.

10 SECTION 3. All rate increases must be in compliance with
11 federal and state law and regulations, as well as state cost
12 reimbursement methodologies.

13 SECTION 4. A. The duties and compensation of employees, not
14 otherwise prescribed by law, necessary to perform the duties imposed
15 upon the Oklahoma Health Care Authority by law shall be set by the
16 Administrator of the Oklahoma Health Care Authority.

17 B. The Oklahoma Health Care Authority is authorized to:

18 1. Pay professional expenses of the Administrator of the
19 Authority, including dues, licenses, professional memberships and
20 continuing education classes conducted in the State of Oklahoma; and

21 2. Pay professional expenses of any employee, including dues,
22 licenses, professional memberships, continuing medical education
23 classes conducted in the State of Oklahoma and medical malpractice
24 insurance; provided, he or she is a full-time employee of the

1 Authority in accordance with subsection B of Section 5006 of Title
2 63 of the Oklahoma Statutes or paragraph 1 of subsection B of
3 Section 840-5.5 of Title 74 of the Oklahoma Statutes and utilizing
4 those professional skills in the performance of their job duties.

5 SECTION 5. In order to facilitate cash management of federal
6 grant receipts and disbursements, the Office of Management and
7 Enterprise Services shall transfer monies between the Oklahoma
8 Health Care Authority federal and revolving funds in amounts
9 requested by the Oklahoma Health Care Authority.

10 SECTION 6. The Oklahoma Health Care Authority is authorized to
11 transfer funds from Fund 205 to Fund 340 to satisfy claims made to
12 the Authority under the Supplemental Hospital Offset Payment Program
13 Act.

14 SECTION 7. A. The Administrator of the Oklahoma Health Care
15 Authority may request, in the manner provided in this section, that
16 receipt and expenditure of unanticipated federal funds awarded after
17 July 1, 2018, be exempt from expenditure limitations and from
18 budgetary limitations.

19 1. The Administrator shall make a request for exemption to the
20 Office of Management and Enterprise Services in writing and file a
21 revised budget program.

22 2. The Administrator shall also file copies of the request for
23 exemption and budget work program revisions with the Oklahoma House
24 of Representatives Appropriations and Budget Committee Chair and the

1 Oklahoma State Senate Appropriations Committee Chair. The House
2 Appropriations and Budget Committee Chair and/or the Senate
3 Appropriations Committee Chair shall notify the Office of Management
4 and Enterprise Services of any noncompliance of the request with
5 legislative intent within twelve (12) calendar days of their receipt
6 of the exemption request.

7 B. The Office of Management and Enterprise Services shall
8 approve the request for exemption unless both the Chair and Vice
9 Chair of the Joint Legislative Committee on Budget and Program
10 Oversight provide written notification to the Office of Management
11 and Enterprise Services within twelve (12) calendar days of the
12 Committee's receipt of the exemption request that the exemption
13 subverts the intention and objectives of the Legislature in
14 establishing the original limit. The Office of Management and
15 Enterprise Services shall give written notice of approval or
16 disapproval of each exemption to the agency, the Governor and the
17 Chair of the House Appropriations and Budget Committee and the Chair
18 of the Senate Appropriations Committee within eighteen (18) calendar
19 days of receiving the request.

20 SECTION 8. The Office of Management and Enterprise Services
21 shall transfer monies appropriated from the General Revenue Fund and
22 the 245 Fund to the Oklahoma Health Care Authority disbursing funds
23 in the amounts and ratios requested by the Authority, except that
24 the cumulative amount transferred shall not exceed the cumulative

1 amount of equal monthly allotments of the appropriation from the
2 General Revenue Fund. Monies appropriated or collected for the
3 fiscal year ending June 30, 2019, may be transferred to these
4 disbursing funds for the fiscal year ending June 30, 2018, to
5 satisfy encumbrances and obligations of said fiscal year; provided,
6 that monies equal in amount are transferred from appropriations or
7 collections for the fiscal year ending June 30, 2018, to the
8 disbursing fund for the fiscal year ending June 30, 2019, to satisfy
9 encumbrances and obligations of said fiscal year. All transfer
10 requests shall be in writing to the Office of Management and
11 Enterprise Services. The Oklahoma Health Care Authority shall
12 maintain record of the inter-year transfers.

13 SECTION 9. The Administrator of the Oklahoma Health Care
14 Authority may request, through the Director of the Office of
15 Management and Enterprise Services, the early transfer by the
16 Oklahoma Tax Commission of tax collections to the General Revenue
17 Fund for the purpose of early allocation to the agency's disbursing
18 funds to alleviate cash-flow problems.

19 SECTION 10. Appropriations made to the Oklahoma Health Care
20 Authority by Enrolled Senate Bill No. 1600 of the 2nd Session of the
21 56th Oklahoma Legislature, not including appropriations made for
22 capital outlay purposes, may be budgeted for the fiscal year ending
23 June 30, 2019 (hereafter FY-19), or may be budgeted for the fiscal
24 year ending June 30, 2020 (hereafter FY-20). Funds budgeted for FY-

1 19 may be encumbered only through June 30, 2019, and must be
2 expended by November 15, 2019. Any funds remaining after November
3 15, 2019, and not budgeted for FY-20, shall lapse to the credit of
4 the proper fund for the then current fiscal year. Funds budgeted
5 for FY-20 may be encumbered only through June 30, 2020. Any funds
6 remaining after November 15, 2020, shall lapse to the credit of the
7 proper fund for the then current fiscal year. These appropriations
8 may not be budgeted in both fiscal years simultaneously. Funds
9 budgeted in FY-19, and not required to pay obligations for that
10 fiscal year, may be budgeted for FY-20, after the agency to which
11 the funds have been appropriated has prepared and submitted a budget
12 work program revision removing these funds from the FY-19 budget
13 work program and after such revision has been approved by the Office
14 of Management and Enterprise Services.

15 SECTION 11. This act shall become effective July 1, 2018.

16 SECTION 12. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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1 Passed the Senate the 30th day of April, 2018.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2018.

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9 Presiding Officer of the House
10 of Representatives