

1 ENGROSSED HOUSE  
2 BILL NO. 3708

By: Wallace and Casey of the  
House

3 and

4 David and Fields of the  
5 Senate

6  
7 An Act relating to the Department of Human Services;  
8 requiring that portions of certain appropriated funds  
9 be used for certain purposes and priorities;  
10 providing that certain payment rates be increased by  
11 certain percentages; providing that certain payment  
12 rates be increased to certain levels; providing for  
13 certain salary increases; requiring certain salary  
14 increases be in addition to other increase; stating  
15 that certain provisions are fulfillments of certain  
16 obligations; providing an effective date for certain  
17 raises; requiring certain funds be used for  
18 implementation of certain waivers; prioritizing  
19 expenditures of potential increases in federal  
20 funding; directing certain transfer; stating purpose;  
21 requiring certain expenditures be reduced;  
22 appropriating certain federal monies; stating  
23 purpose; authorizing early transfers of certain funds  
24 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.

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

22 SECTION 1. From the funds appropriated to the Department of  
23 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session  
24 of the 56th Oklahoma Legislature, the sum of Four Million Six

1 Hundred Twenty Thousand Dollars (\$4,620,000.00) shall be used to  
2 restore adoption subsidy payments and foster care rates to the  
3 levels authorized by the Oklahoma Legislature in May 2017.

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

13 SECTION 3. From the funds appropriated to the Department of  
14 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session  
15 of the 56th Oklahoma Legislature, the sum of Two Million Dollars  
16 (\$2,000,000.00) shall be used for providing services for persons  
17 with developmental disabilities. These funds shall be used to  
18 provide additional services and programs for persons with  
19 developmental disabilities in order to reduce the size of the  
20 Developmental Disabilities Services Division Waiting List in  
21 chronological order and shall be used to supplement rather than  
22 replace existing resources and programs.

23 SECTION 4. From the funds appropriated to the Department of  
24 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session

1 of the 56th Oklahoma Legislature, an adequate amount shall be used  
2 to increase adoption subsidy payments by five percent (5%).

3 SECTION 5. 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 foster care provider rates by five percent (5%).

7 SECTION 6. 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 provider rates for child welfare contract group homes by  
11 seven percent (7%).

12 SECTION 7. 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, an adequate amount shall be used  
15 to increase therapeutic foster care provider rates by five percent  
16 (5%).

17 SECTION 8. 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, an adequate amount shall be used  
20 to increase provider rates for the Advantage program direct care  
21 rates, state plan personal care direct care rates and case  
22 management rates by seven percent (7%).

23 SECTION 9. From the funds appropriated to the Department of  
24 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session

1 of the 56th Oklahoma Legislature, an adequate amount shall be used  
2 to increase Developmental Disabilities Services, Community Waiver,  
3 Homeward Bound Waiver, In-home Supports Waiver for Adults, In-home  
4 Supports Waiver for Children, State-funded Group Home, State-funded  
5 Assisted Living, and all State-funded Employment and Vocational  
6 Services direct care provider rates by seven percent (7%).

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

12 SECTION 11. 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 sum of One Hundred Thousand  
15 Dollars (\$100,000.00) shall be used to implement and maintain a  
16 program to provide respite for caregivers of persons with  
17 intellectual disabilities who qualify for Medicaid services and meet  
18 the Intermediate Care Facilities for individuals with Intellectual  
19 Disability (ICF/ID) level of care. The Department shall apply for a  
20 waiver or waivers to the Centers for Medicaid and Medicare Services  
21 (CMS) to maximize funding for the voucher waiver program. The  
22 waiver program shall not replace the Medicaid In-Home Supports  
23 Waiver or the Community Waiver, but shall be used to support  
24 caregivers who are awaiting access to those waivers.

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

8       SECTION 13. 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 Department of Human Services  
11 shall transfer Two Million Eight Hundred Thousand Dollars  
12 (\$2,800,000.00) to the credit of the Child Abuse Multidisciplinary  
13 Account established in Section 1-9-103 of Title 10A of the Oklahoma  
14 Statutes, which shall be distributed according to Section 1-9-104 of  
15 Title 10A of the Oklahoma Statutes.

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

21       SECTION 15. There is hereby appropriated to the Department of  
22 Human Services all federal monies received by the state during the  
23 fiscal year ending June 30, 2019, from the Temporary Assistance to  
24 Needy Families Block Grant and the Child Care and Development Fund

1 Block Grant to meet the provisions of federal law relating to such  
2 grants.

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

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

16 B. Monies appropriated or collected for the fiscal year ending  
17 June 30, 2019, may be transferred to these disbursing funds for the  
18 fiscal year ending June 30, 2018, to satisfy encumbrances and  
19 obligations of the fiscal year; provided, that monies equal in  
20 amount are transferred from appropriations or collections for the  
21 fiscal year ending June 30, 2018, to the disbursing funds for the  
22 fiscal year ending June 30, 2019, to satisfy encumbrances and  
23 obligations of the fiscal year. All transfer requests shall be in  
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1 writing to the Director of the Office of Management and Enterprise  
2 Services.

3 C. The Department of Human Services shall maintain records of  
4 such interyear transfers.

5 SECTION 18. Appropriations made by Enrolled Senate Bill No.  
6 1600 of the 2nd Session of the 56th Oklahoma Legislature, not  
7 including appropriations made for capital outlay purposes, may be  
8 budgeted for the fiscal year ending June 30, 2019 (hereafter FY-19),  
9 or may be budgeted for the fiscal year ending June 30, 2020  
10 (hereafter FY-20). Funds budgeted for FY-19 may be encumbered only  
11 through June 30, 2019, and must be expended by November 15, 2019.  
12 Any funds remaining after November 15, 2019, and not budgeted for  
13 FY-20, shall lapse to the credit of the proper fund for the then  
14 current fiscal year. Funds budgeted for FY-20 may be encumbered  
15 only through June 30, 2020. Any funds remaining after November 15,  
16 2020, shall lapse to the credit of the proper fund for the then  
17 current fiscal year. These appropriations shall not be budgeted in  
18 both fiscal years simultaneously. Funds budgeted in FY-19, and not  
19 required to pay obligations for that fiscal year, may be budgeted  
20 for FY-20, after the agency to which the funds have been  
21 appropriated has prepared and submitted a budget work program  
22 revision removing these funds from the FY-19 budget work program and  
23 after such revision has been approved by the Office of Management  
24 and Enterprise Services.

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

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

Passed the House of Representatives the 30th day of April, 2018.

Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2018.

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Presiding Officer of the Senate