

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 1210, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Griffin

Griffin-LB-FS-Req#1755
4/25/2017 4:59 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 1210

By: Griffith and Stone of the
House

and

Griffin of the Senate

FLOOR SUBSTITUTE

[disabilities - Strategic Planning Committee on the
Olmstead Decision - Olmstead Commission - development
of certain plan - assess certain compliance - reports
at certain times - ~~effective date~~ -
~~emergency~~]

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

SECTION 1. AMENDATORY 56 O.S. 2011, Section 198.11b, as
amended by Section 233, Chapter 304, O.S.L. 2012 (56 O.S. Supp.
2016, Section 198.11b), is amended to read as follows:

Section 198.11b. A. It is the public policy of the State of
Oklahoma to:

1. Recognize and support individuals with disabilities by
treating them with dignity and respect as productive members of our
society in Oklahoma;

1 2. Acknowledge their contributions as productive and
2 independent citizens in the state and the useful work they perform
3 in their local communities;

4 3. Support a service delivery system for individuals with
5 disabilities ensuring that the individuals, their families, or
6 guardians are well informed as to the types of services and
7 resources available to such individuals in order to encourage their
8 independence, self-esteem, and self-worth, regardless of the
9 severity of the disability; and

10 4. Recognize that self-choice on the part of individuals with
11 disabilities is critical and ~~that the most appropriate setting for~~
12 ~~meeting their needs should be a paramount consideration when~~
13 ~~determining appropriate placement of such individuals in community-~~
14 ~~based programs, residential care facilities, or any other placement~~
15 ~~or service that benefits the needs and well-being of individuals~~
16 ~~with disabilities~~ that it shall be the policy of the State of
17 Oklahoma that priority shall be given to providing services to
18 people with disabilities in the most integrative setting.
19 Institutional services shall be the last resort, ensuring that all
20 resources available shall be exhausted prior to institutional
21 placement.

22 B. There is hereby created the ~~Strategic Planning Committee on~~
23 ~~the Olmstead Decision~~ Commission on Independence and Ability to
24 continue until July 1, ~~2010~~ 2020. ~~The purpose of the Committee is~~

1 ~~to monitor the implementation of the comprehensive, strategic plan~~
2 ~~for the State of Oklahoma regarding the Olmstead Decision~~ People
3 with disabilities who utilize community-based services shall make up
4 the majority of the Commission. Members of the Commission shall
5 work cooperatively to ensure that the federal Olmstead decision is
6 thoroughly implemented.

7 C. ~~The Strategic Planning Committee on the Olmstead Decision~~
8 Commission shall be composed of ~~fifteen (15)~~ four (4) appointed
9 members, ~~eighteen (18)~~ thirteen (13) ex officio members, and
10 representatives from disability-related organizations, all of whom
11 shall be voting members, as follows:

12 1. a. The Governor shall appoint:

- 13 ~~(1) one person who is a community placement service~~
14 ~~provider for persons with disabilities,~~
15 ~~(2) one person who is an advocate for persons with~~
16 ~~disabilities,~~
17 ~~(3) one parent or personal representative of a person~~
18 ~~with disabilities,~~
19 ~~(4) one member from an organization that provides~~
20 ~~direct care services within the Advantage Waiver~~
21 ~~Program, and~~
22 ~~(5) one member who is a consumer of disability~~
23 ~~services~~ two (2) representatives of agencies who
24 provide services to persons with disabilities.

1 b. The President Pro Tempore of the Senate shall appoint÷

2 ~~(1) two members~~ one member of the State Senate,

3 ~~(2) two members who are consumers of disability~~
4 ~~services, and~~

5 ~~(3) one member with a disability who has moved from~~
6 ~~an institutional setting into the community.~~

7 c. The Speaker of the House of Representatives shall
8 appoint÷

9 ~~(1) two members~~ one member of the House of
10 Representatives,

11 ~~(2) one parent or personal representative of a person~~
12 ~~with disabilities,~~

13 ~~(3) one member who is a consumer of disability~~
14 ~~services, and~~

15 ~~(4) one member with a disability who has moved from~~
16 ~~an institutional setting into the community;.~~

17 2. The ex officio voting members shall be:

18 a. the Attorney General, or designee,

19 b. the Director of the Department of Human Services, or
20 designee,

21 c. ~~the Division Director of the Developmental~~
22 ~~Disabilities Division of the Department of Human~~
23 ~~Services, if not the designee of the Director of Human~~
24

- ~~Services~~ the Director of the Oklahoma Department of
Commerce, or designee,
- d. the State Commissioner of Health, or designee,
- e. the Commissioner of the Department of Mental Health
and Substance Abuse Services, or designee,
- f. the Administrator of the Oklahoma Health Care
Authority, or designee,
- g. ~~the Director of the Office of Management and~~
~~Enterprise Services, or designee~~ the Director of the
Oklahoma Department of Career Technology and
Education, or designee,
- h. the Director of the State Department of Rehabilitation
Services, or designee,
- i. ~~the Director of the Office of Disability Concerns, or~~
~~designee,~~
- j. ~~the Director of the Oklahoma Employment Security~~
~~Commission, or designee,~~
- k. ~~the state coordinator for the federal Ticket To Work~~
~~and Work Incentive Act, if not the designee of the~~
~~Oklahoma Employment Security Director,~~
- l. ~~the Executive Director of a local housing authority,~~
~~or designee,~~
- m. the Executive Director of the Oklahoma Housing Finance
Agency, or designee,

~~n.~~

j. the State Superintendent of Public Instruction, or
designee,

~~o.~~

k. the Director of the Department of Transportation, or
designee,

~~p.~~

l. the Commissioner of Labor, or designee,

~~q. a representative from a local transit authority, or
from a Community Action Agency, that provides
transportation services to individuals with
disabilities, and~~

~~r.~~

m. the Director of the Oklahoma Commission on Children
and Youth, or designee; and

3. The membership shall also include as voting members:

a. ~~one representative from the Developmental Disabilities
Council~~ the director, or designee, of a council that
coordinates the efforts of state agencies and private
organizations in meeting the needs of Oklahomans with
intellectual and developmental disabilities,

b. ~~one representative from the Statewide Independent
Living Council,~~

- 1 ~~e. two representatives from the Centers for Independent~~
2 ~~Living~~ the director, or designee, of a nonprofit
3 community-based nonresidential organization that is
4 run by and for people with disabilities and provides
5 programs and services to help individuals have a more
6 independent lifestyle,
- 7 ~~d. one representative from the Center for Learning and~~
8 ~~Leadership~~
- 9 c. the director, or designee, of a federally designated
10 University Center for Excellence in Development
11 Disabilities (UCEDD),
- 12 ~~e. one representative from the Oklahoma Disability Law~~
13 ~~Center~~
- 14 d. the director, or designee, of a federally funded
15 protection and advocacy system for people with
16 disabilities,
- 17 ~~f. one representative from ABLE-Tech~~
- 18 e. the director, or designee, of a federally funded
19 program that helps enhance the opportunities for
20 Oklahomans with disabilities to access and acquire
21 needed assistive technology,
- 22 ~~g. one representative from the Oklahoma Mental Health~~
23 ~~Consumer Council, and~~
- 24

1 ~~h. a representative of a nonprofit agency, in a county of~~
2 ~~five hundred thousand (500,000) or more population,~~
3 ~~that collaborates on programs and services for persons~~
4 ~~with disabilities~~

5 f. the director, or designee, of a non-profit
6 organization that advocates on behalf of all mental
7 health consumers.

8 D. 1. Members shall serve at the pleasure of their appointing
9 authorities. A vacancy on the ~~Committee~~ Commission shall be filled
10 by the original appointing authority.

11 2. A majority of the members of the ~~Committee~~ Commission shall
12 constitute a quorum. A majority of the members present at a meeting
13 may act for the ~~Committee~~ Commission.

14 3. The President Pro Tempore and the Speaker shall each
15 designate a cochair from among the members of the ~~Committee~~
16 Commission.

17 4. The cochairs of the ~~Committee~~ Commission shall annually
18 establish a schedule of each year's meetings. The ~~Committee~~
19 Commission shall meet at least four times annually.

20 5. Proceedings of all meetings of the ~~Committee~~ Commission
21 shall comply with the provisions of the Oklahoma Open Meeting Act.

22 6. The ~~Committee~~ Commission may divide into subcommittees in
23 furtherance of its purpose.
24

1 E. 1. The Department of Human Services and the Office of the
2 Attorney General shall serve as lead agencies and as such shall
3 provide primary staffing for the ~~Committee~~ Commission. Appropriate
4 personnel from the Oklahoma Health Care Authority and the Department
5 of Mental Health and Substance Abuse Services shall also assist with
6 the work of the Committee.

7 2. The ~~Committee~~ Commission may use the expertise and services
8 of the staffs of the State Senate and the House of Representatives
9 and may, as necessary, employ and contract for the advice and
10 services of experts in the field as well as other necessary
11 professional and clerical staff.

12 F. All departments, officers, agencies, and employees of this
13 state shall cooperate with the ~~Committee~~ Commission in fulfilling
14 its duties and responsibilities including, but not limited to,
15 providing any information, records, or reports requested by the
16 Committee.

17 G. ~~Members of the Committee shall receive no compensation for~~
18 ~~their service, but shall receive travel reimbursement as follows:~~

19 1. ~~Legislative members of the Committee shall be reimbursed for~~
20 ~~necessary travel expenses incurred in the performance of their~~
21 ~~duties in accordance with the provisions of Section 456 of Title 74~~
22 ~~of the Oklahoma Statutes; and~~

23 2. ~~Nonlegislative members of the Committee shall be reimbursed~~
24 ~~by their appointing authorities or respective agencies for necessary~~

~~travel expenses incurred in the performance of their duties in
accordance with the State Travel Reimbursement Act.~~

~~H. The duties and responsibilities of the Strategic Planning
Committee on the Olmstead Decision shall include, but need not be
limited to:~~

~~a. monitoring the implementation of the comprehensive,
strategic plan for Oklahomans with disabilities,
pursuant to the Olmstead Decision,~~

~~b. reviewing the service delivery system within the state
and the way in which persons with disabilities
currently access the services,~~

~~c. reviewing existing statutes, policies, programs,
services and funding sources that affect Oklahomans
with disabilities, including, but not limited to,
identifying unique approaches and strategies to
funding,~~

~~d. identifying and reviewing funding and resource
information available to persons with disabilities and
their families in this state,~~

~~e. identifying gaps and barriers in programs and services
to individuals with disabilities and making any
recommendations to enhance programs and the delivery
system for persons with disabilities in Oklahoma,~~

1 ~~f. examining the feasibility of expanding the eligibility~~
2 ~~criteria for people served by the Developmental~~
3 ~~Disabilities Services Division of the Department of~~
4 ~~Human Services to include people with disabilities who~~
5 ~~are not eligible for the Advantage Waiver program~~
6 ~~through the Aging Services Division and those with~~
7 ~~other diagnoses who are at risk of out-of-home~~
8 ~~placement,~~

9 ~~g. studying the feasibility and impact of requiring that~~
10 ~~assistive technology suppliers in this state meet~~
11 ~~national certification requirements, and~~

12 ~~h. taking all other actions necessary to monitor and~~
13 ~~assist with the implementation of the comprehensive~~
14 ~~strategic plan.~~

15 ~~i. The Committee shall prepare and submit a report of its~~
16 ~~findings and recommendations to the Legislature and Governor by July~~
17 ~~15, 2007, and each July 15 thereafter, and shall submit a final~~
18 ~~report by July 1, 2010.~~

19 The Commission shall develop a five-year implementation plan for
20 the State of Oklahoma to provide a comprehensive system of service
21 delivery for Oklahomans with disabilities. The plan shall utilize
22 outcome measures to determine the success or failure of the plan.
23 The plan shall include, but not be limited to, an examination of the
24 following concepts:

1. Performance-based contracting;
2. Residential and vocational rate structure;
3. Prioritization of access to services;
4. Privatization of case management and other services;
5. Maximization of federal funding;
6. State agency administrative structure;
7. Review of requirements based on administrative rules;
8. Medicaid waiver assurance; and
9. Rural support access.

H. The Attorney General shall work with the various agencies to help them assess their compliance with the Olmstead decision and the federal Americans with Disabilities Act (ADA) in providing services to qualified individuals with disabilities in community-based settings, as long as such services are appropriate to the needs of those individuals. The Attorney General shall provide technical guidance and work cooperatively with the State to achieve the goals of Title II of the ADA, particularly in the implementation of the Oklahoma plan to provide services to qualified individuals with disabilities in the most integrated settings. These agencies should also ensure that existing federal resources are used in the most effective manner to support the goals of the Oklahoma plan.

I. The Commission shall make an initial report to the Governor and the Legislature within one hundred eighty (180) calendar days of the effective date of this act. The plan shall be submitted to the

1 Governor and the Legislature within one (1) calendar year of the
2 effective date of this act. Thereafter, the Commission shall submit
3 annual reports throughout the implementation of the plan to the
4 Governor and the Legislature.

5 J. The Attorney General, the Directors of the Department of
6 Human Services, the State Department of Rehabilitation Services, the
7 Department of Transportation, the Department of Commerce, the
8 Oklahoma Department of Career Technology and Education, the Oklahoma
9 Commission on Children and Youth and the Oklahoma Housing Finance
10 Agency, the State Commissioner of Health, the Commissioner of the
11 Department of Mental Health and Substance Abuse Services, the
12 Commissioner of Labor, the Administrator of the Oklahoma Health Care
13 Authority and the State Superintendent of Public Education shall
14 evaluate the policies, programs, statutes and administrative rules
15 of their respective agencies to determine whether any should be
16 revised or amended to improve the availability of community-based
17 services for qualified individuals with disabilities. The
18 evaluation shall focus on identifying affected populations,
19 improving the flow of information regarding supports in the
20 community and removing barriers that impede opportunities for
21 community placement. The evaluation shall include the involvement
22 of consumers, advocacy organizations, providers and relevant agency
23 representatives. Each agency director shall report the results of
24 his or her evaluation to the Governor and the Legislature within one

1 hundred twenty (120) calendar days of the effective date of this
2 act.

3 K. All state agencies shall coordinate planning and future
4 funding with the Commission to ensure that funding is utilized for
5 supporting people with disabilities in the most integrated setting.

6 L. Every state agency shall fully comply with Title II of the
7 Americans with Disabilities Act (ADA). Individuals may seek
8 complaint resolution through the grievance process of the
9 appropriate state agency, alternative dispute resolution or through
10 the federal Office of Civil Rights. The complaint resolution
11 process includes investigating and resolving complaints filed on
12 behalf of individuals who allege that they have been the victims of
13 unjustified institutionalization, and resolution of these complaints
14 in a quick and constructive manner.

15 ~~SECTION 2. This act shall become effective July 1, 2017.~~

16 ~~SECTION 3. 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.~~

21 56-1-1755

LB

4/25/2017 4:59:17 PM