

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2758

By: Osborn (Leslie), West
(Josh), Bush and McEntire
of the House

7 and

8 Griffin of the Senate

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11 COMMITTEE SUBSTITUTE

12 An Act relating to developmental disabilities;
13 defining terms; establishing a voucher waiver program
14 for caregivers of persons with developmental
15 disabilities; directing Developmental Disabilities
16 Services and Department of Human Services to
17 implement and maintain the program; providing for
18 collaboration with the Governor's Advisory Committee;
19 providing that voucher waiver program not replace
20 certain other waivers; providing for codification;
21 and providing an effective date.

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24 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 1426 of Title 10, unless there
is created a duplication in numbering, reads as follows:

A. As used in this section:

1 1. "Caregiver" means a person eighteen (18) years of age or
2 older who provides full-time care for a person with an intellectual
3 disability in the caregiver's home; and

4 2. "Person with an intellectual disability" means a person who
5 has significantly subaverage functioning, an intelligence quotient
6 (IQ) of less than 70 that manifests before eighteen (18) years of
7 age and exists concurrently with related limitations in two or more
8 of the following applicable adaptive skill areas:

- 9 a. communication,
- 10 b. self-care,
- 11 c. home living,
- 12 d. social skills,
- 13 e. use of community resources,
- 14 f. self-direction,
- 15 g. health and safety,
- 16 h. functional academics,
- 17 i. leisure, and
- 18 j. work.

19 B. Subject to the availability of funds, the Developmental
20 Disabilities Services (DDS) of the Department of Human Services
21 shall implement and maintain a voucher waiver program to provide
22 respite for caregivers of a person with an intellectual disability
23 who qualifies for Medicaid services and meets the Intermediate Care
24

1 Facilities for individuals with Intellectual Disability (ICF/ID)
2 level of care.

3 C. The DDS and the Department, in collaboration with the
4 Governor's Advisory Committee created by Executive Order 2015-17,
5 shall:

6 1. Establish eligibility and procedures for implementation and
7 maintenance of the voucher waiver program;

8 2. Apply for a waiver or waivers to the Centers for Medicaid
9 and Medicare Services (CMS) to maximize funding for the voucher
10 waiver program; and

11 3. Promulgate rules necessary for the voucher waiver program.

12 D. The voucher waiver program created in subsection B of this
13 section shall not replace the Medicaid In-Home Supports Waiver or
14 the Community Waiver, but shall be used to support caregivers who
15 are waiting access to those waivers.

16 SECTION 2. This act shall become effective November 1, 2018.

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18 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/05/2018 - DO PASS,
19 As Amended and Coauthored.
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