

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. 3708

By: Wallace and Casey of the
House

and

David and Fields of the
Senate

11 COMMITTEE SUBSTITUTE

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

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

3 SECTION 1. 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, the sum of Four Million Six
6 Hundred Twenty Thousand Dollars (\$4,620,000.00) shall be used to
7 restore adoption subsidy payments and foster care rates to the
8 levels authorized by the Oklahoma Legislature in May 2017.

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

18 SECTION 3. From the funds appropriated to the Department of
19 Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session
20 of the 56th Oklahoma Legislature, the sum of Two Million Dollars
21 (\$2,000,000.00) shall be used for providing services for persons
22 with developmental disabilities. These funds shall be used to
23 provide additional services and programs for persons with
24 developmental disabilities in order to reduce the size of the

1 Developmental Disabilities Services Division Waiting List in
2 chronological order and shall be used to supplement rather than
3 replace existing resources and programs.

4 SECTION 4. 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, an adequate amount shall be used
7 to increase adoption subsidy payments by five percent (5%).

8 SECTION 5. 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, an adequate amount shall be used
11 to increase foster care provider rates by five percent (5%).

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

17 SECTION 7. 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 therapeutic foster care provider rates by five percent
21 (5%).

22 SECTION 8. 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, an adequate amount shall be used

1 to increase provider rates for the Advantage program direct care
2 rates, state plan personal care direct care rates and case
3 management rates by seven percent (7%).

4 SECTION 9. 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, an adequate amount shall be used
7 to increase Developmental Disabilities Services, Community Waiver,
8 Homeward Bound Waiver, In-home Supports Waiver for Adults, In-home
9 Supports Waiver for Children, State-funded Group Home, State-funded
10 Assisted Living, and all State-funded Employment and Vocational
11 Services direct care provider rates by seven percent (7%).

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

17 SECTION 11. 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, the sum of One Hundred Thousand
20 Dollars (\$100,000.00) shall be used to implement and maintain a
21 program to provide respite for caregivers of persons with
22 intellectual disabilities who qualify for Medicaid services and meet
23 the Intermediate Care Facilities for individuals with Intellectual
24 Disability (ICF/ID) level of care. The Department shall apply for a

1 waiver or waivers to the Centers for Medicaid and Medicare Services
2 (CMS) to maximize funding for the voucher waiver program. The
3 waiver program shall not replace the Medicaid In-Home Supports
4 Waiver or the Community Waiver, but shall be used to support
5 caregivers who are awaiting access to those waivers.

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

13 SECTION 13. 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 Department of Human Services
16 shall transfer Two Million Eight Hundred Thousand Dollars
17 (\$2,800,000.00) to the credit of the Child Abuse Multidisciplinary
18 Account established in Section 1-9-103 of Title 10A of the Oklahoma
19 Statutes, which shall be distributed according to Section 1-9-104 of
20 Title 10A of the Oklahoma Statutes.

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

3 SECTION 15. There is hereby appropriated to the Department of
4 Human Services all federal monies received by the state during the
5 fiscal year ending June 30, 2019, from the Temporary Assistance to
6 Needy Families Block Grant and the Child Care and Development Fund
7 Block Grant to meet the provisions of federal law relating to such
8 grants.

9 SECTION 16. The Director of the Department of Human Services
10 may request through the Director of the Office of Management and
11 Enterprise Services the early transfer by the Oklahoma Tax
12 Commission of tax collections to the General Revenue Fund for the
13 purpose of early allocation to the Department's disbursing funds to
14 alleviate cash-flow problems.

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

22 B. Monies appropriated or collected for the fiscal year ending
23 June 30, 2019, may be transferred to these disbursing funds for the
24 fiscal year ending June 30, 2018, to satisfy encumbrances and

1 obligations of the fiscal year; provided, that monies equal in
2 amount are transferred from appropriations or collections for the
3 fiscal year ending June 30, 2018, to the disbursing funds for the
4 fiscal year ending June 30, 2019, to satisfy encumbrances and
5 obligations of the fiscal year. All transfer requests shall be in
6 writing to the Director of the Office of Management and Enterprise
7 Services.

8 C. The Department of Human Services shall maintain records of
9 such interyear transfers.

10 SECTION 18. Appropriations made by Enrolled Senate Bill No.
11 1600 of the 2nd Session of the 56th Oklahoma Legislature, not
12 including appropriations made for capital outlay purposes, may be
13 budgeted for the fiscal year ending June 30, 2019 (hereafter FY-19),
14 or may be budgeted for the fiscal year ending June 30, 2020
15 (hereafter FY-20). Funds budgeted for FY-19 may be encumbered only
16 through June 30, 2019, and must be expended by November 15, 2019.
17 Any funds remaining after November 15, 2019, and not budgeted for
18 FY-20, shall lapse to the credit of the proper fund for the then
19 current fiscal year. Funds budgeted for FY-20 may be encumbered
20 only through June 30, 2020. Any funds remaining after November 15,
21 2020, shall lapse to the credit of the proper fund for the then
22 current fiscal year. These appropriations shall not be budgeted in
23 both fiscal years simultaneously. Funds budgeted in FY-19, and not
24 required to pay obligations for that fiscal year, may be budgeted

1 for FY-20, after the agency to which the funds have been
2 appropriated has prepared and submitted a budget work program
3 revision removing these funds from the FY-19 budget work program and
4 after such revision has been approved by the Office of Management
5 and Enterprise Services.

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

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

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12 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
13 AND BUDGET, dated 04/27/2018 - DO PASS, As Amended.
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