

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 828

By: Griffin and Pittman of the
Senate

and

Caldwell of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Oklahoma Health Care
12 Authority; creating the Nursing Facility Supplemental
13 Payment Program Revolving Fund; specifying contents
14 of fund and authorized expenditures; prohibiting use
15 of fund for certain purposes; requiring the Health
16 Care Authority to promulgate rules regarding
17 assessment of penalties and interest, with
18 limitations; repealing 63 O.S. 2011, Sections 5022
19 and 5022.1, which relate to wage and salary
20 adjustments; providing for codification; providing an
21 effective date; and declaring an emergency.

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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 1011.13 of Title 56, unless
there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving
fund for the Oklahoma Health Care Authority to be designated the

1 "Nursing Facility Supplemental Payment Program Revolving Fund". The
2 fund shall be a continuing fund, not subject to fiscal-year
3 limitations, and shall consist of:

4 1. All monies received by the Authority from nonstate
5 governmental organizations pursuant to the Nursing Facility
6 Supplemental Payment Program;

7 2. Any interest or penalties levied and collected in
8 conjunction with the administration of this act; and

9 3. All interest attributable to investment of money in the
10 fund.

11 B. All monies accruing to the credit of the fund are hereby
12 appropriated and may be budgeted and expended by the Authority for
13 the purposes of:

14 1. Transferring funds for the state share of supplemental
15 payments for the Oklahoma Medicaid Program; or

16 2. Transferring funds for the state share of administrative
17 expenses incurred by the Authority or its agents and employees in
18 performing the activities authorized by the Nursing Facility
19 Supplemental Payment Program.

20 C. Expenditures from the fund shall be made upon warrants
21 issued by the State Treasurer against claims filed as prescribed by
22 law with the Director of the Office of Management and Enterprise
23 Services for approval and payment.

1 D. Except for the transfers described in in subsection B of
2 this section, monies in the Nursing Facility Supplemental Payment
3 Program Revolving Fund shall not be used to replace other general
4 revenues appropriated and funded by the Legislature or other
5 revenues used to support Medicaid.

6 E. The Nursing Facility Supplemental Payment Program Revolving
7 Fund and the program specified in this section are exempt from
8 budgetary cuts, reductions or eliminations.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1011.14 of Title 56, unless
11 there is created a duplication in numbering, reads as follows:

12 The Health Care Authority shall promulgate administrative rules
13 that govern the assessment of penalties and interest against any
14 non-state governmental organization that fails to timely pay the
15 full amount of a quarterly intergovernmental transfer; provided,
16 however, that the penalty assessed shall not exceed five percent
17 (5%) of the quarterly amount not paid on or before the due date.
18 Penalties and interest collected pursuant to this section shall be
19 deposited in the Nursing Facility Supplemental Payment Program
20 Revolving Fund, as described in Section 1 of this act.

21 SECTION 3. REPEALER 63 O.S. 2011, Sections 5022 and
22 5022.1 are hereby repealed.

23 SECTION 4. This act shall become effective July 1, 2017.
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SECTION 5. 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.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 04/18/2017 - DO PASS, As Amended.