

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1852

By: McCortney

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6 AS INTRODUCED

7 An Act relating to the ADvantage Waiver Program;  
8 directing transfer of employees, powers, duties,  
9 monies and contractual rights related to the  
ADvantage Waiver Program from the Department of Human  
10 Services to the Oklahoma Health Care Authority on  
certain date; directing the Director of the Office of  
11 Management and Enterprise Services to coordinate  
certain transfer; directing transfer of certain  
12 administrative rules from the Director of the  
Department of Human Services to the Oklahoma Health  
13 Care Authority Board; directing promulgation of  
rules; authorizing the Authority to enter into  
14 certain agreements; specifying entity to administer  
the ADvantage Waiver Program; providing for  
15 codification; providing an effective date; and  
declaring an emergency.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1017.2a of Title 56, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. On the effective date of this act, all employees, powers,  
22 duties, functions and responsibilities of the Department of Human  
23 Services that relate to the ADvantage Waiver Program shall be  
24 transferred to the Oklahoma Health Care Authority. The transfer

1 shall include all equipment, supplies, records, assets, current and  
2 future liabilities, fund balances, encumbrances, obligations, and  
3 indebtedness associated with the Department that relate to the  
4 ADvantage Waiver Program.

5 B. Any monies accruing to or in the name of the Department on  
6 and after the effective date of this act that relate to the  
7 ADvantage Waiver Program, or any monies that accrue in any funds or  
8 accounts or are maintained for the benefit of the Department on and  
9 after the effective date of this act that relate to the ADvantage  
10 Waiver Program shall be transferred to the Authority.

11 C. The Authority shall succeed to any contractual rights and  
12 responsibilities incurred by the Department.

13 D. The Director of the Office of Management and Enterprise  
14 Services is hereby directed to coordinate the transfer of funds,  
15 allotments, purchase orders, and outstanding financial obligations  
16 or encumbrances as provided for in this section.

17 SECTION 2. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1017.2b of Title 56, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. On the effective date of this act, all administrative rules  
21 promulgated by the Director of the Department of Human Services that  
22 relate to the ADvantage Waiver Program shall be transferred to and  
23 become a part of the administrative rules of the Oklahoma Health  
24 Care Authority Board. The Office of Administrative Rules in the

1 Secretary of State's office shall provide adequate notice in the  
2 Oklahoma Register of the transfer of such rules and shall place the  
3 transferred rules under the Administrative Code section of the  
4 Oklahoma Health Care Authority. Such rules shall continue in force  
5 and effect as rules of the Authority from and after the effective  
6 date of this act, and any amendment, repeal or addition to the  
7 transferred rules shall be under the jurisdiction of the Board.

8 B. The Board shall adopt and promulgate rules and standards for  
9 the ADvantage Waiver Program and distribution of funds to providers  
10 contracted to provide services under the ADvantage Waiver Program.

11 SECTION 3. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1017.2c of Title 56, unless  
13 there is created a duplication in numbering, reads as follows:

14 The Oklahoma Health Care Authority is hereby authorized and  
15 directed to enter into agreements and to contract for the provision  
16 of services under the ADvantage Waiver Program. Any provider  
17 providing services pursuant to a contract with the Authority for the  
18 purposes of the ADvantage Waiver Program shall be subject to the  
19 provisions of the administrative rules of the Oklahoma Health Care  
20 Authority Board.

21 SECTION 4. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1017.2d of Title 56, unless  
23 there is created a duplication in numbering, reads as follows:  
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1           Notwithstanding any other provision of law, the administration  
2 of the ADvantage Waiver Program shall be carried out by the Oklahoma  
3 Health Care Authority.

4           SECTION 5. This act shall become effective July 1, 2020.

5           SECTION 6. It being immediately necessary for the preservation  
6 of the public peace, health or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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