

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1074

By: Thompson and Hall of the
Senate

and

Wallace and Martinez of the
House

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Health Care Authority; requiring that portions of certain appropriated funds be used for certain purposes; directing Oklahoma Health Care Authority to implement enhanced payment for certain intermediate care facilities for individuals with intellectual disabilities; stating purpose; specifying that payment is additional to other reimbursement; directing Authority to develop qualification criteria and determine payment methodology; requiring Authority to seek necessary federal approval; providing for promulgation of rules; providing for duties and compensation of employees; authorizing payment of certain expenses; authorizing certain transfers; requiring certain transfers; authorizing certain early transfer requests; authorizing the exemption of unanticipated federal funds from expenditure and budgetary limitations; providing procedures; requiring certain budget procedures; prohibiting certain budget procedures; and providing lapse dates.

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

SECTION 1. From the funds appropriated to the Oklahoma Health Care Authority in Enrolled Senate Bill No. 1040 of the 2nd Session

1 of the 58th Oklahoma Legislature, the sum of Twenty-four Million
2 Four Hundred Thousand Six Hundred Fifty-eight Dollars
3 (\$24,400,658.00) shall be used to replace funding no longer
4 available due to the reduction of federal matching dollars.

5 SECTION 2. From the funds appropriated to the Oklahoma Health
6 Care Authority in Enrolled Senate Bill No. 1040 of the 2nd Session
7 of the 58th Oklahoma Legislature, the sum of Fifty-three Million
8 Seventy-nine Thousand One Hundred Sixty-two Dollars (\$53,079,162.00)
9 shall be used for the maintenance of programs including but not
10 limited to program growth.

11 SECTION 3. From the funds appropriated to the Oklahoma Health
12 Care Authority in Enrolled Senate Bill No. 1040 of the 2nd Session
13 of the 58th Oklahoma Legislature, the sum of Three Million Twenty-
14 seven Thousand Nine Hundred Seventy-seven Dollars (\$3,027,977.00)
15 shall be used for program enhancements.

16 SECTION 4. A. From the funds appropriated to the Oklahoma
17 Health Care Authority in Enrolled Senate Bill No. 1040 of the 2nd
18 Session of the 58th Oklahoma Legislature, the Oklahoma Health Care
19 Authority shall implement an enhanced payment for intermediate care
20 facilities for individuals with intellectual disabilities (ICFs/IID)
21 that provide vocational services or day program services or both.
22 The purpose of the enhanced payment shall be to offset costs
23 incurred by the ICFs/IID in providing vocational services or day
24 program services or both.

1 B. The enhanced payment shall be in addition to all other
2 reimbursement from the Authority. The Authority shall develop
3 qualification criteria and determine payment methodology.

4 C. The Authority shall seek any federal approval necessary to
5 implement the provisions of this section. The Oklahoma Health Care
6 Authority Board shall promulgate rules to implement the provisions
7 of this section.

8 SECTION 5. A. The duties and compensation of employees, not
9 otherwise prescribed by law, necessary to perform the duties imposed
10 upon the Oklahoma Health Care Authority by law shall be set by the
11 Administrator of the Oklahoma Health Care Authority.

12 B. The Oklahoma Health Care Authority is authorized to:

13 1. Pay professional expenses of the Administrator of the
14 Authority including dues, licenses, professional memberships and
15 continuing education classes conducted in this state; and

16 2. Pay professional expenses of any employee including dues,
17 licenses, professional memberships, continuing medical education
18 classes conducted in this state and medical malpractice insurance
19 provided he or she is a full-time employee of the Authority in
20 accordance with subsection B of Section 5006 of Title 63 of the
21 Oklahoma Statutes or paragraph 1 of subsection B of Section 840-5.5
22 of Title 74 of the Oklahoma Statutes and is utilizing those
23 professional skills in the performance of his or her job duties.
24

1 SECTION 6. In order to facilitate cash management of federal
2 grant receipts and disbursements, the Office of Management and
3 Enterprise Services shall transfer monies between the Oklahoma
4 Health Care Authority federal and revolving funds in amounts
5 requested by the Oklahoma Health Care Authority.

6 SECTION 7. The Oklahoma Health Care Authority is authorized to
7 transfer funds from Fund 205 to Fund 340 to satisfy claims made to
8 the Authority under the Supplemental Hospital Offset Payment Program
9 Act.

10 SECTION 8. The Administrator of the Oklahoma Health Care
11 Authority may request, in the manner provided in this section, that
12 receipt and expenditure of unanticipated federal funds awarded after
13 July 1, 2022, be exempt from expenditure limitations and from
14 budgetary limitations.

15 1. The Administrator shall make a request for exemption to the
16 Office of Management and Enterprise Services in writing and file a
17 revised budget program.

18 2. The Administrator shall also file copies of the request for
19 exemption and budget work program revisions with the House of
20 Representatives Appropriations and Budget Committee Chair and the
21 Senate Appropriations Committee Chair. The House Appropriations and
22 Budget Committee Chair and/or the Senate Appropriations Committee
23 Chair shall notify the Office of Management and Enterprise Services
24 of any noncompliance of the request with legislative intent within

1 twelve (12) calendar days of their receipt of the exemption request.
2 The Office of Management and Enterprise Services shall approve the
3 request for exemption unless both the Chair and Vice Chair of the
4 Joint Legislative Committee on Budget and Program Oversight provide
5 written notification to the Office of Management and Enterprise
6 Services within twelve (12) calendar days of the Committee's receipt
7 of the exemption request that the exemption subverts the intention
8 and objectives of the Legislature in establishing the original
9 limit. The Office of Management and Enterprise Services shall give
10 written notice of approval or disapproval of each exemption to the
11 agency, the Governor, the Chair of the House Appropriations and
12 Budget Committee and the Chair of the Senate Appropriations
13 Committee within eighteen (18) calendar days of receiving the
14 request.

15 SECTION 9. A. The Director of the Office of Management and
16 Enterprise Services shall transfer monies appropriated from the
17 General Revenue Fund and the Health Care Enhancement Fund to the
18 Oklahoma Health Care Authority disbursing funds in the amounts and
19 ratios requested by the Authority, except that the cumulative
20 amounts transferred shall not exceed the cumulative amounts of equal
21 monthly allotments of the appropriations from the General Revenue
22 Fund and Health Care Enhancement Fund.

23 B. Monies appropriated or collected for the fiscal year ending
24 June 30, 2023, may be transferred to these disbursing funds for the

1 fiscal year ending June 30, 2022, to satisfy encumbrances and
2 obligations of said fiscal year; provided, that monies equal in
3 amount are transferred from appropriations or collections for the
4 fiscal year ending June 30, 2022, to the disbursing fund for the
5 fiscal year ending June 30, 2023, to satisfy encumbrances and
6 obligations of said fiscal year. All transfer requests shall be in
7 writing to the Director of the Office of Management and Enterprise
8 Services.

9 C. The Oklahoma Health Care Authority shall maintain records of
10 the inter-year transfers.

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

17 SECTION 11. Appropriations made by Enrolled Senate Bill No.
18 1040 of the 2nd Session of the 58th Oklahoma Legislature, not
19 including appropriations made for capital outlay purposes, may be
20 budgeted for the fiscal year ending June 30, 2023 (hereafter FY-23)
21 or may be budgeted for the fiscal year ending June 30, 2024
22 (hereafter FY-24). Funds budgeted for FY-23 may be encumbered only
23 through June 30, 2023 and must be expended by November 15, 2023.
24 Any funds remaining after November 15, 2023, and not budgeted for

1 FY-24, shall lapse to the credit of the proper fund for the then
2 current fiscal year. Funds budgeted for FY-24 may be encumbered
3 only through June 30, 2024. Any funds remaining after November 15,
4 2024, shall lapse to the credit of the proper fund for the then
5 current fiscal year. These appropriations shall not be budgeted in
6 both fiscal years simultaneously. Funds budgeted in FY-23, and not
7 required to pay obligations for that fiscal year, may be budgeted
8 for FY-24, after the agency to which the funds have been
9 appropriated has prepared and submitted a budget work program
10 revision removing these funds from the FY-23 budget work program and
11 after such revision has been approved by the Office of Management
12 and Enterprise Services.

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