

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1055

6 By: Thompson and Rader of the
7 Senate

8 and

9 Wallace and Hilbert of the
10 House

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 an effective date for
17 certain rate increases; directing deposit of certain
18 appropriated funds and carryover funds; requiring
19 certain funds be used for implementation of certain
20 waivers; requiring certain minimum amount of
21 services; prioritizing expenditures of potential
22 increases in federal funding; directing certain
23 transfer; stating purpose; appropriating certain
24 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.

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

1 SECTION 1. From the funds appropriated to the Department of
2 Human Services in Enrolled House Bill No. 2765 of the 1st Session of
3 the 57th Oklahoma Legislature, the sum of Two Million Dollars
4 (\$2,000,000.00) shall be used for providing services for persons
5 with developmental disabilities. These funds shall be used to
6 provide additional services and programs for persons with
7 developmental disabilities in order to reduce the size of the
8 Developmental Disabilities Services Division Waiting List in
9 chronological order and shall be used to supplement rather than
10 replace existing resources and programs.

11 SECTION 2. From the funds appropriated to the Department of
12 Human Services in Enrolled House Bill No. 2765 of the 1st Session of
13 the 57th Oklahoma Legislature, an adequate amount shall be used to
14 increase provider rates for the Advantage program direct care rates,
15 state plan personal care direct care rates and case management rates
16 by four percent (4%).

17 SECTION 3. From the funds appropriated to the Department of
18 Human Services in Enrolled House Bill No. 2765 of the 1st Session of
19 the 57th Oklahoma Legislature, an adequate amount shall be used to
20 increase Developmental Disabilities Services, Community Waiver,
21 Homeward Bound Waiver, In-home Supports Waiver for Adults, In-home
22 Supports Waiver for Children, State-funded Group Home, Adult Day
23 Services, State-funded Assisted Living, and all State-funded
24

1 Employment and Vocational Services direct care provider rates by
2 four percent (4%).

3 SECTION 4. The rate increases provided to Aging Services and
4 Developmental Disabilities Services in Sections 2 and 3 of this act
5 shall be effective July 1, 2019, or as soon thereafter as may be
6 approved by the Oklahoma Health Care Authority and the Centers for
7 Medicaid and Medicare Services (CMS).

8 SECTION 5. From the funds appropriated to the Department of
9 Human Services in Enrolled House Bill No. 2765 of the 1st Session of
10 the 57th Oklahoma Legislature, the sum of Six Million Thirty-seven
11 Thousand One Hundred Three Dollars (\$6,037,103.00) shall be used to
12 fully fund the budget and number of locations for senior nutrition
13 not less than levels of the fiscal year ending June 30, 2019.

14 SECTION 6. From the funds appropriated to the Department of
15 Human Services in Enrolled House Bill No. 2765 of the 1st Session of
16 the 57th Oklahoma Legislature, the sum of Sixteen Million Dollars
17 (\$16,000,000.00) shall be deposited into the Department of Human
18 Services Infrastructure Revolving Fund created in Enrolled Senate
19 Bill No. 1056 of the 1st Session of the 57th Oklahoma Legislature.

20 SECTION 7. From the carryover of the fiscal years ending June
21 30, 2018, and June 30, 2019, the sum of Seven Hundred Fifty Thousand
22 Dollars (\$750,000.00) shall be used to increase the contract amounts
23 for Aging and Developmental Disabled Services.

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1 SECTION 8. From the carryover of the fiscal years ending June
2 30, 2018, and June 30, 2019, the sum of Two Million Dollars
3 (\$2,000,000.00) shall be used to increase the rates of the Hisson
4 Class Members.

5 SECTION 9. From the carryover of the fiscal years ending June
6 30, 2018, and June 30, 2019, the sum of One Million Seven Hundred
7 Fifty Thousand Dollars (\$1,750,000.00) shall be used for fleet
8 expansion.

9 SECTION 10. From the carryover of the fiscal years ending June
10 30, 2018, and June 30, 2019, the sum of Twenty-five Million Dollars
11 (\$25,000,000.00) shall be deposited into the Oklahoma Benefits
12 Revolving Fund created in Enrolled Senate Bill No. 1057 of the 1st
13 Session of the 57th Oklahoma Legislature.

14 SECTION 11. Any participant in the ADvantage Waiver program who
15 has not been receiving services prior to the effective date of this
16 act shall receive a minimum of two hundred units of case management
17 services to allow for the development of two plans within the same
18 year.

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

3 SECTION 13. From the funds appropriated to the Department of
4 Human Services in Enrolled House Bill No. 2765 of the 1st Session of
5 the 57th Oklahoma Legislature, the Department of Human Services
6 shall transfer Two Million Eight Hundred Thousand Dollars
7 (\$2,800,000.00) to the credit of the Child Abuse Multidisciplinary
8 Account established in Section 1-9-103 of Title 10A of the Oklahoma
9 Statutes, which shall be distributed according to Section 1-9-104 of
10 Title 10A of the Oklahoma Statutes.

11 SECTION 14. There is hereby appropriated to the Department of
12 Human Services all federal monies received by the state during the
13 fiscal year ending June 30, 2020, from the Temporary Assistance to
14 Needy Families Block Grant and the Child Care and Development Fund
15 Block Grant to meet the provisions of federal law relating to such
16 grants.

17 SECTION 15. The Director of the Department of Human Services
18 may request through the Director of the Office of Management and
19 Enterprise Services the early transfer by the Oklahoma Tax
20 Commission of tax collections to the General Revenue Fund for the
21 purpose of early allocation to the Department's disbursing funds to
22 alleviate cash-flow problems.

23 SECTION 16. A. The Director of the Office of Management and
24 Enterprise Services shall transfer monies appropriated from the

1 General Revenue Fund and Special Cash Fund to the Department of
2 Human Services' disbursing funds in the amounts and ratios requested
3 by the agency except that the cumulative amounts transferred shall
4 not exceed the cumulative amounts of equal monthly allotments of the
5 appropriations from the General Revenue Fund and Special Cash Fund.

6 B. Monies appropriated or collected for the fiscal year ending
7 June 30, 2020, may be transferred to these disbursing funds for the
8 fiscal year ending June 30, 2019, to satisfy encumbrances and
9 obligations of the fiscal year; provided that monies equal in amount
10 are transferred from appropriations or collections for the fiscal
11 year ending June 30, 2019, to the disbursing funds for the fiscal
12 year ending June 30, 2020, to satisfy encumbrances and obligations
13 of the fiscal year. All transfer requests shall be in writing to
14 the Director of the Office of Management and Enterprise Services.

15 C. The Department of Human Services shall maintain records of
16 such interyear transfers.

17 SECTION 17. Appropriations made by Enrolled House Bill No. 2765
18 of the 1st Session of the 57th Oklahoma Legislature, not including
19 appropriations made for capital outlay purposes, may be budgeted for
20 the fiscal year ending June 30, 2020 (hereafter FY-20), or may be
21 budgeted for the fiscal year ending June 30, 2021 (hereafter FY-21).
22 Funds budgeted for FY-20 may be encumbered only through June 30,
23 2020, and must be expended by November 15, 2020. Any funds
24 remaining after November 15, 2020, and not budgeted for FY-21, shall

1 lapse to the credit of the proper fund for the then current fiscal
2 year. Funds budgeted for FY-21 may be encumbered only through June
3 30, 2021. Any funds remaining after November 15, 2021, shall lapse
4 to the credit of the proper fund for the then current fiscal year.
5 These appropriations shall not be budgeted in both fiscal years
6 simultaneously. Funds budgeted in FY-20, and not required to pay
7 obligations for that fiscal year, may be budgeted for FY-21, after
8 the agency to which the funds have been appropriated has prepared
9 and submitted a budget work program revision removing these funds
10 from the FY-20 budget work program and after such revision has been
11 approved by the Office of Management and Enterprise Services.

12 SECTION 18. This act shall become effective July 1, 2019.

13 SECTION 19. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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