

1 ENGROSSED SENATE
2 BILL NO. 1044

By: Thompson and Rader of the
Senate

3 and

4 Wallace and Hilbert of the
5 House

6
7 An Act relating to the Oklahoma Health Care
8 Authority; directing the Authority to achieve savings
9 in an amount sufficient to provide certain rate
10 increases; requiring compliance with certain laws,
11 regulations and methodologies; directing the
12 Authority to revise certain methodology and to modify
13 compensation; providing for duties and compensation
14 of employees; authorizing payment of certain
15 expenses; providing process for exemptions;
16 authorizing certain transfers; providing procedures;
17 providing lapse dates; requiring and prohibiting
18 certain budget procedures; providing an effective
19 date; and declaring an emergency.

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

SECTION 1. After approval by Centers for Medicare and Medicaid
Services (CMS), but not earlier than October 1, 2019, through agency
administrative savings and efficiencies, the Oklahoma Health Care
Authority shall increase the current reimbursement rates for
SoonerCare-contracted long-term care facilities by five percent
(5%).

SECTION 2. After approval by Centers for Medicare and Medicaid
Services (CMS), but not earlier than October 1, 2019, through agency

1 administrative savings and efficiencies, the Oklahoma Health Care
2 Authority shall increase the current reimbursement rates for all
3 remaining SoonerCare-contracted provider types/groups by five
4 percent (5%) with the following exclusions: services financed
5 through appropriations to other state agencies, Durable Medical
6 Equipment Prosthetics, Orthotics and Supplies, non-emergency
7 transportation, services provided to Insure Oklahoma members,
8 payments for drug ingredients/physician supplied drugs, Indian
9 Health Services/Indian Tribal/Urban Clinics and Federally Qualified
10 Health Centers, Program for the All-inclusive Care for the Elderly
11 and rural health centers.

12 SECTION 3. All rate increases shall be in compliance with
13 federal and state law and regulations, as well as state cost
14 reimbursement methodologies.

15 SECTION 4. The Oklahoma Health Care Authority shall revise the
16 payment methodology for hospital-based rural health care clinics.
17 This revision shall increase payments to maximize the federal match.

18 SECTION 5. The Oklahoma Health Care Authority shall revise the
19 methodology of the Disproportionate Share Hospital Program. The
20 Authority shall then distribute the additional dollars from this
21 revision to qualifying rural hospitals.

22 SECTION 6. A. The duties and compensation of employees, not
23 otherwise prescribed by law, necessary to perform the duties imposed
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1 upon the Oklahoma Health Care Authority by law shall be set by the
2 Administrator of the Oklahoma Health Care Authority.

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

4 1. Pay professional expenses of the Administrator of the
5 Authority, including dues, licenses, professional memberships and
6 continuing education classes conducted in the State of Oklahoma; and

7 2. Pay professional expenses of any employee, including dues,
8 licenses, professional memberships, continuing medical education
9 classes conducted in the State of Oklahoma and medical malpractice
10 insurance; provided, he or she is a full-time employee of the
11 Authority in accordance with subsection B of Section 5006 of Title
12 63 of the Oklahoma Statutes or paragraph 1 of subsection B of
13 Section 840-5.5 of Title 74 of the Oklahoma Statutes and utilizing
14 those professional skills in the performance of their job duties.

15 SECTION 7. In order to facilitate cash management of federal
16 grant receipts and disbursements, the Office of Management and
17 Enterprise Services shall transfer monies between the Oklahoma
18 Health Care Authority federal and revolving funds in amounts
19 requested by the Oklahoma Health Care Authority.

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

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1 SECTION 9. A. The Administrator of the Oklahoma Health Care
2 Authority may request, in the manner provided in this section, that
3 receipt and expenditure of unanticipated federal funds awarded after
4 July 1, 2019, be exempt from expenditure limitations and from
5 budgetary limitations.

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

9 2. The Administrator shall also file copies of the request for
10 exemption and budget work program revisions with the Oklahoma House
11 of Representatives Appropriations and Budget Committee Chair and the
12 Oklahoma State Senate Appropriations Committee Chair. The House
13 Appropriations and Budget Committee Chair and/or the Senate
14 Appropriations Committee Chair shall notify the Office of Management
15 and Enterprise Services of any noncompliance of the request with
16 legislative intent within twelve (12) calendar days of their receipt
17 of the exemption request.

18 B. The Office of Management and Enterprise Services shall
19 approve the request for exemption unless both the Chair and Vice
20 Chair of the Joint Legislative Committee on Budget and Program
21 Oversight provide written notification to the Office of Management
22 and Enterprise Services within twelve (12) calendar days of the
23 Committee's receipt of the exemption request that the exemption
24 subverts the intention and objectives of the Legislature in

1 establishing the original limit. The Office of Management and
2 Enterprise Services shall give written notice of approval or
3 disapproval of each exemption to the agency, the Governor and the
4 Chair of the House Appropriations and Budget Committee and the Chair
5 of the Senate Appropriations Committee within eighteen (18) calendar
6 days of receiving the request.

7 SECTION 10. The Office of Management and Enterprise Services
8 shall transfer monies appropriated from the General Revenue Fund and
9 the 245 Fund to the Oklahoma Health Care Authority disbursing funds
10 in the amounts and ratios requested by the Authority, except that
11 the cumulative amount transferred shall not exceed the cumulative
12 amount of equal monthly allotments of the appropriation from the
13 General Revenue Fund. Monies appropriated or collected for the
14 fiscal year ending June 30, 2020, may be transferred to these
15 disbursing funds for the fiscal year ending June 30, 2019, to
16 satisfy encumbrances and obligations of said fiscal year; provided,
17 that monies equal in amount are transferred from appropriations or
18 collections for the fiscal year ending June 30, 2019, to the
19 disbursing fund for the fiscal year ending June 30, 2020, to satisfy
20 encumbrances and obligations of said fiscal year. All transfer
21 requests shall be in writing to the Office of Management and
22 Enterprise Services. The Oklahoma Health Care Authority shall
23 maintain record of the inter-year transfers.

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1 SECTION 11. The Administrator of the Oklahoma Health Care
2 Authority may request, through the Director of the Office of
3 Management and Enterprise Services, the early transfer by the
4 Oklahoma Tax Commission of tax collections to the General Revenue
5 Fund for the purpose of early allocation to the agency's disbursing
6 funds to alleviate cash-flow problems.

7 SECTION 12. Appropriations made to the Oklahoma Health Care
8 Authority by Enrolled House Bill No. 2765 of the 1st Session of the
9 57th Oklahoma Legislature, not including appropriations made for
10 capital outlay purposes, may be budgeted for the fiscal year ending
11 June 30, 2020 (hereafter FY-20), or may be budgeted for the fiscal
12 year ending June 30, 2021 (hereafter FY-21). Funds budgeted for FY-
13 20 may be encumbered only through June 30, 2020, and must be
14 expended by November 15, 2020. Any funds remaining after November
15 15, 2020, and not budgeted for FY-21, shall lapse to the credit of
16 the proper fund for the then current fiscal year. Funds budgeted
17 for FY-21 may be encumbered only through June 30, 2021. Any funds
18 remaining after November 15, 2021, shall lapse to the credit of the
19 proper fund for the then current fiscal year. These appropriations
20 may not be budgeted in both fiscal years simultaneously. Funds
21 budgeted in FY-20, and not required to pay obligations for that
22 fiscal year, may be budgeted for FY-21, after the agency to which
23 the funds have been appropriated has prepared and submitted a budget
24 work program revision removing these funds from the FY-20 budget

1 work program and after such revision has been approved by the Office
2 of Management and Enterprise Services.

3 SECTION 13. This act shall become effective July 1, 2019.

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

8 Passed the Senate the 21st day of May, 2019.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2019.

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Presiding Officer of the House
of Representatives

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