

1 ENGROSSED SENATE
2 BILL NO. 1055

By: Thompson and Rader of the
Senate

3 and

4 Wallace, Hilbert and Lawson
5 of the House

6
7 An Act relating to the Department of Human Services;
8 requiring that portions of certain appropriated funds
9 be used for certain purposes and priorities;
10 providing that certain payment rates be increased by
11 certain percentages; providing an effective date for
12 certain rate increases; directing deposit of certain
13 appropriated funds and carryover funds; requiring
14 certain funds be used for implementation of certain
15 waivers; requiring certain minimum amount of
16 services; prioritizing expenditures of potential
17 increases in federal funding; directing certain
18 transfer; stating purpose; appropriating certain
19 federal monies; stating purpose; authorizing early
20 transfers of certain funds for specific purposes;
21 directing certain transfer of appropriated funds in
22 requested amounts and ratios; requiring maintenance
23 of certain records; providing for lapse of funds
24 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:

SECTION 1. From the funds appropriated to the Department of
Human Services in Enrolled House Bill No. 2765 of the 1st Session of
the 57th Oklahoma Legislature, the sum of Two Million Dollars
(\$2,000,000.00) shall be used for providing services for persons

1 with developmental disabilities. These funds shall be used to
2 provide additional services and programs for persons with
3 developmental disabilities in order to reduce the size of the
4 Developmental Disabilities Services Division Waiting List in
5 chronological order and shall be used to supplement rather than
6 replace existing resources and programs.

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

13 SECTION 3. From the funds appropriated to the Department of
14 Human Services in Enrolled House Bill No. 2765 of the 1st Session of
15 the 57th Oklahoma Legislature, an adequate amount shall be used to
16 increase Developmental Disabilities Services, Community Waiver,
17 Homeward Bound Waiver, In-home Supports Waiver for Adults, In-home
18 Supports Waiver for Children, State-funded Group Home, Adult Day
19 Services, State-funded Assisted Living, and all State-funded
20 Employment and Vocational Services direct care provider rates by
21 four percent (4%).

22 SECTION 4. The rate increases provided to Aging Services and
23 Developmental Disabilities Services in Sections 2 and 3 of this act
24 shall be effective July 1, 2019, or as soon thereafter as may be

1 approved by the Oklahoma Health Care Authority and the Centers for
2 Medicaid and Medicare Services (CMS).

3 SECTION 5. 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 sum of Six Million Thirty-seven
6 Thousand One Hundred Three Dollars (\$6,037,103.00) shall be used to
7 fully fund the budget and number of locations for senior nutrition
8 not less than levels of the fiscal year ending June 30, 2019.

9 SECTION 6. From the funds appropriated to the Department of
10 Human Services in Enrolled House Bill No. 2765 of the 1st Session of
11 the 57th Oklahoma Legislature, the sum of Sixteen Million Dollars
12 (\$16,000,000.00) shall be deposited into the Department of Human
13 Services Infrastructure Revolving Fund created in Enrolled Senate
14 Bill No. 1056 of the 1st Session of the 57th Oklahoma Legislature.

15 SECTION 7. From the carryover of the fiscal years ending June
16 30, 2018, and June 30, 2019, the sum of Seven Hundred Fifty Thousand
17 Dollars (\$750,000.00) shall be used to increase the contract amounts
18 for Aging and Developmental Disabled Services.

19 SECTION 8. From the carryover of the fiscal years ending June
20 30, 2018, and June 30, 2019, the sum of Two Million Dollars
21 (\$2,000,000.00) shall be used to increase the rates of the Hisson
22 Class Members.

23 SECTION 9. From the carryover of the fiscal years ending June
24 30, 2018, and June 30, 2019, the sum of One Million Seven Hundred

1 Fifty Thousand Dollars (\$1,750,000.00) shall be used for fleet
2 expansion.

3 SECTION 10. From the carryover of the fiscal years ending June
4 30, 2018, and June 30, 2019, the sum of Twenty-five Million Dollars
5 (\$25,000,000.00) shall be deposited into the Oklahoma Benefits
6 Revolving Fund created in Enrolled Senate Bill No. 1057 of the 1st
7 Session of the 57th Oklahoma Legislature.

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

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

20 SECTION 13. From the funds appropriated to the Department of
21 Human Services in Enrolled House Bill No. 2765 of the 1st Session of
22 the 57th Oklahoma Legislature, the Department of Human Services
23 shall transfer Two Million Eight Hundred Thousand Dollars
24 (\$2,800,000.00) to the credit of the Child Abuse Multidisciplinary

1 Account established in Section 1-9-103 of Title 10A of the Oklahoma
2 Statutes, which shall be distributed according to Section 1-9-104 of
3 Title 10A of the Oklahoma Statutes.

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

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

16 SECTION 16. A. The Director of the Office of Management and
17 Enterprise Services shall transfer monies appropriated from the
18 General Revenue Fund and Special Cash Fund to the Department of
19 Human Services' disbursing funds in the amounts and ratios requested
20 by the agency except that the cumulative amounts transferred shall
21 not exceed the cumulative amounts of equal monthly allotments of the
22 appropriations from the General Revenue Fund and Special Cash Fund.

23 B. Monies appropriated or collected for the fiscal year ending
24 June 30, 2020, may be transferred to these disbursing funds for the

1 fiscal year ending June 30, 2019, to satisfy encumbrances and
2 obligations of the fiscal year; provided that monies equal in amount
3 are transferred from appropriations or collections for the fiscal
4 year ending June 30, 2019, to the disbursing funds for the fiscal
5 year ending June 30, 2020, to satisfy encumbrances and obligations
6 of the fiscal year. All transfer requests shall be in writing to
7 the Director of the Office of Management and Enterprise Services.

8 C. The Department of Human Services shall maintain records of
9 such interyear transfers.

10 SECTION 17. Appropriations made by Enrolled House Bill No. 2765
11 of the 1st Session of the 57th Oklahoma Legislature, not including
12 appropriations made for capital outlay purposes, may be budgeted for
13 the fiscal year ending June 30, 2020 (hereafter FY-20), or may be
14 budgeted for the fiscal year ending June 30, 2021 (hereafter FY-21).
15 Funds budgeted for FY-20 may be encumbered only through June 30,
16 2020, and must be expended by November 15, 2020. Any funds
17 remaining after November 15, 2020, and not budgeted for FY-21, shall
18 lapse to the credit of the proper fund for the then current fiscal
19 year. Funds budgeted for FY-21 may be encumbered only through June
20 30, 2021. Any funds remaining after November 15, 2021, shall lapse
21 to the credit of the proper fund for the then current fiscal year.
22 These appropriations shall not be budgeted in both fiscal years
23 simultaneously. Funds budgeted in FY-20, and not required to pay
24 obligations for that fiscal year, may be budgeted for FY-21, after

1 the agency to which the funds have been appropriated has prepared
2 and submitted a budget work program revision removing these funds
3 from the FY-20 budget work program and after such revision has been
4 approved by the Office of Management and Enterprise Services.

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

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

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

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Presiding Officer of the Senate

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14 Passed the House of Representatives the ____ day of _____,
15 2019.

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Presiding Officer of the House
of Representatives

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