

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1011

By: Rosecrants

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to disabilities; amending 56 O.S.  
10                   2011, Section 198.11b, as amended by Section 233,  
11                   Chapter 304, O.S.L. 2012 (56 O.S. Supp. 2018, Section  
12                   198.11b), which relates to the Strategic Planning  
13                   Committee on the Olmstead Decision; modifying state  
14                   public policy for individuals with disabilities;  
15                   providing priority for services in an integrated  
16                   setting; stating institutional placement shall be a  
17                   last resort; creating the Commission on Independence  
18                   and Ability; describing purpose of Commission;  
19                   establishing membership of Commission; providing for  
20                   filling of vacancies; establishing quorum  
21                   requirements; directing designation of Commission  
22                   cochairs; providing for annual meeting schedule;  
23                   setting minimum number of annual meetings; requiring  
24                   compliance with the Oklahoma Open Meeting Act;  
                  authorizing Commission to divide into subcommittees;  
                  directing Office of the Attorney General to provide  
                  staff assistance; authorizing use of staff expertise  
                  and services; permitting contract with outside  
                  expertise; requiring cooperation of all state  
                  entities and employees; prohibiting compensation for  
                  Commission members; providing for travel  
                  reimbursement of members; listing Commission duties  
                  and responsibilities; requiring Commission to submit  
                  certain reports by specified dates; providing an  
                  effective date; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 56 O.S. 2011, Section 198.11b, as  
3 amended by Section 233, Chapter 304, O.S.L. 2012 (56 O.S. Supp.  
4 2018, Section 198.11b), is amended to read as follows:  
5

6 Section 198.11b A. It is the public policy of the State of  
7 Oklahoma to:

8 1. Recognize and support individuals with disabilities by  
9 treating them with dignity and respect as productive members of our  
10 society in Oklahoma;

11 2. Acknowledge their contributions as productive and  
12 independent citizens in the state and the useful work they perform  
13 in their local communities;

14 3. Support a service delivery system for individuals with  
15 disabilities ensuring that the individuals, their families, or  
16 guardians are well informed as to the types of services and  
17 resources available to such individuals in order to encourage their  
18 independence, self-esteem, and self-worth, regardless of the  
19 severity of the disability; and

20 4. Recognize that self-choice on the part of individuals with  
21 disabilities is critical and that priority shall be given to  
22 providing services to people with disabilities in the most  
23 ~~appropriate integrated setting for meeting their needs should be a~~  
24 ~~paramount consideration when determining appropriate placement of~~

1 ~~such individuals in community-based programs, residential care~~  
2 ~~facilities, or any other placement or service that benefits the~~  
3 ~~needs and well-being of individuals with disabilities.~~

4 Institutional services shall be the last resort, ensuring that all  
5 resources available shall be exhausted prior to institutional  
6 placement.

7 B. There is hereby created the ~~Strategic Planning Committee on~~  
8 ~~the Olmstead Decision to continue until July 1, 2010~~ Commission on  
9 Independence and Ability. The purpose of the ~~Committee~~ Commission  
10 is to ~~monitor the implementation of the comprehensive, strategic~~  
11 ~~plan for the State of Oklahoma regarding the Olmstead Decision:~~

12 1. Monitor and provide oversight of the Department of Human  
13 Services Aging Services Division and ADvantage Administration Unit  
14 (AAU) to ensure that people with disabilities are receiving services  
15 in the most integrated setting, consistent with the Olmstead  
16 Decision; and

17 2. Evaluate and expand service options for the Consumer-  
18 Directed Personal Assistance Services and Supports (CD-PASS)  
19 program.

20 C. The ~~Strategic Planning Committee on the Olmstead Decision~~  
21 Commission shall be composed of fifteen (15) appointed members,  
22 ~~eighteen (18)~~ and four (4) ex officio members, ~~and representatives~~  
23 ~~from disability-related organizations,~~ all of whom shall be voting  
24 members, as follows:

1           1.    a.    The Governor shall appoint:

2                   (1)   ~~one person~~ three members with disabilities who ~~is~~  
3                            ~~a community placement service provider for~~  
4                            ~~persons with disabilities~~ receive services  
5                            through CD-PASS: one from Oklahoma City, one from  
6                            Norman and one from the southwest region of the  
7                            state,

8                   (2)   ~~one person member~~ who is ~~an advocate for persons~~  
9                            ~~with disabilities~~ a representative from a  
10                           nonprofit, federally funded, consumer-controlled  
11                           center for independent living serving the  
12                           Oklahoma City metropolitan area, and

13                   (3)   ~~one parent or personal representative of a person~~  
14                            ~~with disabilities,~~

15                   ~~(4) one member from an organization that provides~~  
16                            ~~direct care services within the Advantage Waiver~~  
17                            ~~Program, and~~

18                   ~~(5) one member who is a consumer~~ representative of  
19                            ~~disability services~~ a Medicaid managed care  
20                            organization.

21           b.    The President Pro Tempore of the Senate shall appoint:

22                   (1)   ~~two~~ three members ~~of the State Senate~~ with  
23                            disabilities who receive services through CD-  
24

1 PASS: one from Tulsa, one from Bartlesville and  
2 one from the southeast region of the state,

3 (2) ~~two members~~ one member who ~~are consumers of~~  
4 ~~disability services~~ is a representative from a  
5 nonprofit, federally funded, consumer-controlled  
6 center for independent living serving the Tulsa  
7 metropolitan area, and

8 (3) one member ~~with a disability~~ who ~~has moved from~~  
9 ~~an institutional setting into the community~~ is a  
10 representative of a Medicaid managed care  
11 organization.

12 c. The Speaker of the House of Representatives shall  
13 appoint:

14 (1) ~~two~~ three members ~~of the House of Representatives~~  
15 with disabilities who receive services through  
16 CD-PASS: one from Oklahoma City, one from Tulsa  
17 and one from the rural western region of the  
18 state,

19 (2) one ~~parent or personal representative of a person~~  
20 ~~with disabilities~~ member who is a representative  
21 from a nonprofit, federally funded, consumer-  
22 controlled center for independent living serving  
23 a rural area of the state, and

24

- 1 (3) one member who is a ~~consumer of disability~~  
2 ~~services, and~~  
3 ~~(4) one member with a disability who has moved from~~  
4 ~~an institutional setting into the community~~  
5 representative of a Medicaid managed care  
6 organization;

7 2. The ex officio voting members shall be:

- 8 a. the Attorney General, or designee,  
9 b. the Director of the Department of Human Services, or  
10 designee,  
11 ~~c. the Division Director of the Developmental~~  
12 ~~Disabilities Division of the Department of Human~~  
13 ~~Services, if not the designee of the Director of Human~~  
14 ~~Services,~~  
15 ~~d. the State Commissioner of Health, or designee,~~  
16 ~~e. the Commissioner of the Department of Mental Health~~  
17 ~~and Substance Abuse Services, or designee,~~  
18 ~~f. the Administrator~~ Director of the Oklahoma Health Care  
19 Authority, or designee, and  
20 ~~g. the Director of the Office of Management and~~  
21 ~~Enterprise Services, or designee,~~  
22 ~~h. d.~~ d. the Director of the State Department of Rehabilitation  
23 Services, or designee,  
24

- ~~i. the Director of the Office of Disability Concerns, or designee,~~
- ~~j. the Director of the Oklahoma Employment Security Commission, or designee,~~
- ~~k. the state coordinator for the federal Ticket To Work and Work Incentive Act, if not the designee of the Oklahoma Employment Security Director,~~
- ~~l. the Executive Director of a local housing authority, or designee,~~
- ~~m. the Executive Director of the Oklahoma Housing Finance Agency, or designee,~~
- ~~n. the State Superintendent of Public Instruction, or designee,~~
- ~~o. the Director of the Department of Transportation, or designee,~~
- ~~p. the Commissioner of Labor, or designee,~~
- ~~q. a representative from a local transit authority, or from a Community Action Agency, that provides transportation services to individuals with disabilities, and~~
- ~~r. the Director of the Oklahoma Commission on Children and Youth, or designee; and~~

~~3. The membership shall also include as voting members:~~

- a. ~~one representative from the Developmental Disabilities Council,~~
- b. ~~one representative from the Statewide Independent Living Council,~~
- c. ~~two representatives from the Centers for Independent Living,~~
- d. ~~one representative from the Center for Learning and Leadership,~~
- e. ~~one representative from the Oklahoma Disability Law Center,~~
- f. ~~one representative from ABLE Tech,~~
- g. ~~one representative from the Oklahoma Mental Health Consumer Council, and~~
- h. ~~a representative of a nonprofit agency, in a county of five hundred thousand (500,000) or more population, that collaborates on programs and services for persons with disabilities.~~

D. 1. Members shall serve at the pleasure of their appointing authorities. A vacancy on the ~~Committee~~ Commission shall be filled by the original appointing authority.

2. A majority of the members of the ~~Committee~~ Commission shall constitute a quorum. A majority of the members present at a meeting may act for the ~~Committee~~ Commission.



1 3. The President Pro Tempore and the Speaker shall each  
2 designate a cochair from among the members ~~of~~ appointed to the  
3 ~~Committee~~ Commission.

4 4. The cochairs of the ~~Committee~~ Commission shall annually  
5 establish a schedule of each year's meetings. The ~~Committee~~  
6 Commission shall meet at least four times annually.

7 5. Proceedings of all meetings of the ~~Committee~~ Commission  
8 shall comply with the provisions of the Oklahoma Open Meeting Act.

9 6. The ~~Committee~~ Commission may divide into subcommittees in  
10 furtherance of its purpose.

11 E. 1. ~~The Department of Human Services and the Office of the~~  
12 ~~Attorney General shall serve as lead agencies~~ agency and as such  
13 shall provide primary staffing for the ~~Committee~~ Commission.

14 ~~Appropriate personnel from the Oklahoma Health Care Authority and~~  
15 ~~the Department of Mental Health and Substance Abuse Services shall~~  
16 ~~also assist with the work of the Committee.~~

17 2. The ~~Committee~~ Commission may use the expertise and services  
18 of the staffs of the State Senate and the House of Representatives  
19 and may, as necessary, employ and contract for the advice and  
20 services of experts in the field as well as other necessary  
21 professional and clerical staff.

22 F. All departments, officers, agencies, and employees of this  
23 state shall cooperate with the ~~Committee~~ Commission in fulfilling  
24 its duties and responsibilities including, but not limited to,

1 providing any information, records, or reports requested by the  
2 Committee Commission.

3 G. Members of the Committee Commission shall receive no  
4 compensation for their service, but shall ~~receive travel~~  
5 ~~reimbursement as follows:~~

6 ~~1. Legislative members of the Committee shall be reimbursed for~~  
7 ~~necessary travel expenses incurred in the performance of their~~  
8 ~~duties in accordance with the provisions of Section 456 of Title 74~~  
9 ~~of the Oklahoma Statutes; and~~

10 ~~2. Nonlegislative members of the Committee shall be reimbursed~~  
11 ~~by their appointing authorities or respective agencies for necessary~~  
12 ~~travel expenses incurred in the performance of their duties in~~  
13 ~~accordance with the State Travel Reimbursement Act.~~

14 H. The duties and responsibilities of the Strategic Planning  
15 Committee on the Olmstead Decision Commission on Independence and  
16 Ability shall include, but need not be limited to:

17 a. monitoring the ~~implementation of the comprehensive,~~  
18 ~~strategic plan for Oklahomans with disabilities,~~  
19 ~~pursuant to the Olmstead Decision~~ Long-Term Services  
20 and Supports (LTSS) system, specifically CD-PASS,

21 b. reviewing the LTSS for CD-PASS and ADvantage service  
22 delivery system within the state and the way in which  
23 persons with disabilities currently access the  
24 services,

- 1 c. reviewing existing statutes, policies, programs,  
2 services and funding sources that affect Oklahomans  
3 with disabilities, including, but not limited to,  
4 identifying unique approaches and strategies to  
5 funding,
- 6 d. identifying and reviewing funding and resource  
7 information available to persons with disabilities and  
8 their families in this state,
- 9 e. identifying gaps and barriers in programs and services  
10 to individuals with disabilities and making any  
11 recommendations to enhance programs and the delivery  
12 system for persons with disabilities in Oklahoma,
- 13 f. examining the feasibility of expanding the eligibility  
14 criteria for people served by the ~~Developmental~~  
15 ~~Disabilities Services Division of the Department of~~  
16 ~~Human Services to include people with disabilities who~~  
17 ~~are not eligible for the Advantage~~ ADvantage Waiver  
18 program through the Aging Services Division and those  
19 with other diagnoses who are at risk of out-of-home  
20 placement,
- 21 g. studying the feasibility and impact of requiring that  
22 assistive technology suppliers in this state meet  
23 national certification requirements, and  
24

1           h.    taking all other actions necessary to ~~monitor and~~  
2                   ~~assist with the implementation of the comprehensive~~  
3                   ~~strategic plan~~ maximize LTSS for people with  
4                   disabilities in the most integrated setting.

5           I.    The ~~Committee~~ Commission shall prepare and submit ~~a~~ an  
6 initial report of its findings and recommendations to the  
7 Legislature and Governor by ~~July 15, 2007~~ October 31, 2019, and each  
8 July 15 thereafter, and shall submit a final report by July 1, ~~2010~~  
9 2022.

10           SECTION 2. This act shall become effective July 1, 2019.

11           SECTION 3. It being immediately necessary for the preservation  
12 of the public peace, health or safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15  
16 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY  
17 SERVICES, dated 02/14/2019 - DO PASS, As Amended.