

An Act

ENROLLED HOUSE
BILL NO. 3708

By: Wallace and Casey of the
House

and

David and Fields of the
Senate

An Act relating to the Department of Human Services; requiring that portions of certain appropriated funds be used for certain purposes and priorities; providing that certain payment rates be increased by certain percentages; providing that certain payment rates be increased to certain levels; providing for certain salary increases; requiring certain salary increases be in addition to other increase; stating that certain provisions are fulfillments of certain obligations; providing an effective date for certain raises; requiring certain funds be used for implementation of certain waivers; prioritizing expenditures of potential increases in federal funding; directing certain transfer; stating purpose; requiring certain expenditures be reduced; appropriating certain 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.

SUBJECT: Department of Human Services

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 Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, the sum of Four Million Six Hundred Twenty Thousand Dollars (\$4,620,000.00) shall be used to restore adoption subsidy payments and foster care rates to the levels authorized by the Oklahoma Legislature in May 2017.

SECTION 2. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, the sum of Nine Hundred Sixty Thousand Dollars (\$960,000.00) shall be used to increase the salaries of Child Welfare Specialist positions to fulfill the obligations of Year Five of the Pinnacle Plan. Such salary increases shall be in addition to those provided for in Enrolled House Bill No. 1024 of the 2nd Extraordinary Session of the 56th Oklahoma Legislature.

SECTION 3. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, the sum of Two Million Dollars (\$2,000,000.00) shall be used for providing services for persons with developmental disabilities. These funds shall be used to provide additional services and programs for persons with developmental disabilities in order to reduce the size of the Developmental Disabilities Services Division Waiting List in chronological order and shall be used to supplement rather than replace existing resources and programs.

SECTION 4. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, an adequate amount shall be used to increase adoption subsidy payments by five percent (5%).

SECTION 5. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, an adequate amount shall be used to increase foster care provider rates by five percent (5%).

SECTION 6. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, an adequate amount shall be used to increase provider rates for child welfare contract group homes by seven percent (7%).

SECTION 7. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, an adequate amount shall be used to increase therapeutic foster care provider rates by five percent (5%).

SECTION 8. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, an adequate amount shall be used to increase provider rates for the ADvantage program direct care rates, state plan personal care direct care rates and case management rates by seven percent (7%).

SECTION 9. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, an adequate amount shall be used to increase Developmental Disabilities Services, Community Waiver, Homeward Bound Waiver, In-Home Supports Waiver for Adults, In-Home Supports Waiver for Children, State-funded Group Home, State-funded Assisted Living, and all State-funded Employment and Vocational Services direct care provider rates by seven percent (7%).

SECTION 10. The rate increases provided to Aging Services and Developmental Disabilities Services in Sections 8 and 9 of this act shall be effective July 1, 2018, or as soon thereafter as may be approved by the Oklahoma Health Care Authority and the Centers for Medicaid and Medicare Services (CMS).

SECTION 11. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, the sum of One Hundred Thousand Dollars (\$100,000.00) shall be used to implement and maintain a program to provide respite for caregivers of persons with intellectual disabilities who qualify for Medicaid services and meet the Intermediate Care Facilities for individuals with Intellectual Disability (ICF/ID) level of care. The Department shall apply for a waiver or waivers to the Centers for Medicaid and Medicare Services (CMS) to maximize funding for the voucher waiver program. The waiver program shall not replace the Medicaid In-Home Supports Waiver or the Community Waiver, but shall be used to support caregivers who are awaiting access to those waivers.

SECTION 12. In a manner not inconsistent with the provisions of this act, any increase in federal funding related to an increase in

the Federal Medical Assistance Percentage (FMAP) match rate shall be expended by the Department of Human Services with priority given to the Medicaid waived services to aging and developmental disabled clients, the Child Care Subsidy program, and the Adoption Subsidy program.

SECTION 13. From the funds appropriated to the Department of Human Services in Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, the Department of Human Services shall transfer Two Million Eight Hundred Thousand Dollars (\$2,800,000.00) to the credit of the Child Abuse Multidisciplinary Account established in Section 1-9-103 of Title 10A of the Oklahoma Statutes, which shall be distributed according to Section 1-9-104 of Title 10A of the Oklahoma Statutes.

SECTION 14. The Department shall reduce expenditures and increase efficiencies in the Administrative and Finance Division so that for the fiscal year ending June 30, 2019, spending of the Division is at least One Hundred Thousand Dollars (\$100,000.00) less than such spending during the fiscal year ending June 30, 2018.

SECTION 15. There is hereby appropriated to the Department of Human Services all federal monies received by the state during the fiscal year ending June 30, 2019, from the Temporary Assistance to Needy Families Block Grant and the Child Care and Development Fund Block Grant to meet the provisions of federal law relating to such grants.

SECTION 16. The Director of the Department of Human Services may request through the Director of the Office of Management and Enterprise Services the early transfer by the Oklahoma Tax Commission of tax collections to the General Revenue Fund for the purpose of early allocation to the Department's disbursing funds to alleviate cash-flow problems.

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

B. Monies appropriated or collected for the fiscal year ending June 30, 2019, may be transferred to these disbursing funds for the

fiscal year ending June 30, 2018, to satisfy encumbrances and obligations of the fiscal year; provided, that monies equal in amount are transferred from appropriations or collections for the fiscal year ending June 30, 2018, to the disbursing funds for the fiscal year ending June 30, 2019, to satisfy encumbrances and obligations of the fiscal year. All transfer requests shall be in writing to the Director of the Office of Management and Enterprise Services.

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

SECTION 18. Appropriations made by Enrolled Senate Bill No. 1600 of the 2nd Session of the 56th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2019 (hereafter FY-19), or may be budgeted for the fiscal year ending June 30, 2020 (hereafter FY-20). Funds budgeted for FY-19 may be encumbered only through June 30, 2019, and must be expended by November 15, 2019. Any funds remaining after November 15, 2019, and not budgeted for FY-20, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-20 may be encumbered only through June 30, 2020. Any funds remaining after November 15, 2020, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations shall not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-19, and not required to pay obligations for that fiscal year, may be budgeted for FY-20, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-19 budget work program and after such revision has been approved by the Office of Management and Enterprise Services.

SECTION 19. This act shall become effective July 1, 2018.

SECTION 20. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 30th day of April, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 2nd day of May, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____