

# An Act

ENROLLED SENATE  
BILL NO. 1074

By: Thompson and Hall of the  
Senate

and

Wallace and Martinez of the  
House

An Act relating to the Oklahoma Health Care Authority; requiring that portions of certain appropriated funds be used for certain purposes; directing Oklahoma Health Care Authority to implement enhanced payment for certain intermediate care facilities for individuals with intellectual disabilities; stating purpose; specifying that payment is additional to other reimbursement; directing Authority to develop qualification criteria and determine payment methodology; requiring Authority to seek necessary federal approval; providing for promulgation of rules; providing for duties and compensation of employees; authorizing payment of certain expenses; authorizing certain transfers; requiring certain transfers; authorizing certain early transfer requests; authorizing the exemption of unanticipated federal funds from expenditure and budgetary limitations; providing procedures; requiring certain budget procedures; prohibiting certain budget procedures; and providing lapse dates.

SUBJECT: Oklahoma Health Care Authority

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

SECTION 1. From the funds appropriated to the Oklahoma Health Care Authority in Enrolled Senate Bill No. 1040 of the 2nd Session

of the 58th Oklahoma Legislature, the sum of Twenty-four Million Four Hundred Thousand Six Hundred Fifty-eight Dollars (\$24,400,658.00) shall be used to replace funding no longer available due to the reduction of federal matching dollars.

SECTION 2. From the funds appropriated to the Oklahoma Health Care Authority in Enrolled Senate Bill No. 1040 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Fifty-three Million Seventy-nine Thousand One Hundred Sixty-two Dollars (\$53,079,162.00) shall be used for the maintenance of programs including but not limited to program growth.

SECTION 3. From the funds appropriated to the Oklahoma Health Care Authority in Enrolled Senate Bill No. 1040 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Three Million Twenty-seven Thousand Nine Hundred Seventy-seven Dollars (\$3,027,977.00) shall be used for program enhancements.

SECTION 4. A. From the funds appropriated to the Oklahoma Health Care Authority in Enrolled Senate Bill No. 1040 of the 2nd Session of the 58th Oklahoma Legislature, the Oklahoma Health Care Authority shall implement an enhanced payment for intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) that provide vocational services or day program services or both. The purpose of the enhanced payment shall be to offset costs incurred by the ICFs/IID in providing vocational services or day program services or both.

B. The enhanced payment shall be in addition to all other reimbursement from the Authority. The Authority shall develop qualification criteria and determine payment methodology.

C. The Authority shall seek any federal approval necessary to implement the provisions of this section. The Oklahoma Health Care Authority Board shall promulgate rules to implement the provisions of this section.

SECTION 5. A. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Health Care Authority by law shall be set by the Administrator of the Oklahoma Health Care Authority.

B. The Oklahoma Health Care Authority is authorized to:

1. Pay professional expenses of the Administrator of the Authority including dues, licenses, professional memberships and continuing education classes conducted in this state; and

2. Pay professional expenses of any employee including dues, licenses, professional memberships, continuing medical education classes conducted in this state and medical malpractice insurance provided he or she is a full-time employee of the Authority in accordance with subsection B of Section 5006 of Title 63 of the Oklahoma Statutes or paragraph 1 of subsection B of Section 840-5.5 of Title 74 of the Oklahoma Statutes and is utilizing those professional skills in the performance of his or her job duties.

SECTION 6. In order to facilitate cash management of federal grant receipts and disbursements, the Office of Management and Enterprise Services shall transfer monies between the Oklahoma Health Care Authority federal and revolving funds in amounts requested by the Oklahoma Health Care Authority.

SECTION 7. The Oklahoma Health Care Authority is authorized to transfer funds from Fund 205 to Fund 340 to satisfy claims made to the Authority under the Supplemental Hospital Offset Payment Program Act.

SECTION 8. The Administrator of the Oklahoma Health Care Authority may request, in the manner provided in this section, that receipt and expenditure of unanticipated federal funds awarded after July 1, 2022, be exempt from expenditure limitations and from budgetary limitations.

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

2. The Administrator shall also file copies of the request for exemption and budget work program revisions with the House of Representatives Appropriations and Budget Committee Chair and the Senate Appropriations Committee Chair. The House Appropriations and Budget Committee Chair and/or the Senate Appropriations Committee Chair shall notify the Office of Management and Enterprise Services

of any noncompliance of the request with legislative intent within twelve (12) calendar days of their receipt of the exemption request. The Office of Management and Enterprise Services shall approve the request for exemption unless both the Chair and Vice-Chair of the Joint Legislative Committee on Budget and Program Oversight provide written notification to the Office of Management and Enterprise Services within twelve (12) calendar days of the Committee's receipt of the exemption request that the exemption subverts the intention and objectives of the Legislature in establishing the original limit. The Office of Management and Enterprise Services shall give written notice of approval or disapproval of each exemption to the agency, the Governor, the Chair of the House Appropriations and Budget Committee and the Chair of the Senate Appropriations Committee within eighteen (18) calendar days of receiving the request.

SECTION 9. A. The Director of the Office of Management and Enterprise Services shall transfer monies appropriated from the General Revenue Fund and the Health Care Enhancement Fund to the Oklahoma Health Care Authority disbursing funds in the amounts and ratios requested by the Authority, 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 Health Care Enhancement Fund.

B. Monies appropriated or collected for the fiscal year ending June 30, 2023, may be transferred to these disbursing funds for the fiscal year ending June 30, 2022, to satisfy encumbrances and obligations of said fiscal year; provided, that monies equal in amount are transferred from appropriations or collections for the fiscal year ending June 30, 2022, to the disbursing fund for the fiscal year ending June 30, 2023, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Director of the Office of Management and Enterprise Services.

C. The Oklahoma Health Care Authority shall maintain records of the inter-year transfers.

SECTION 10. The Administrator of the Oklahoma Health Care Authority 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 agency's disbursing funds to alleviate cash-flow problems.

SECTION 11. Appropriations made by Enrolled Senate Bill No. 1040 of the 2nd Session of the 58th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2023 (hereafter FY-23) or may be budgeted for the fiscal year ending June 30, 2024 (hereafter FY-24). Funds budgeted for FY-23 may be encumbered only through June 30, 2023 and must be expended by November 15, 2023. Any funds remaining after November 15, 2023, and not budgeted for FY-24, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-24 may be encumbered only through June 30, 2024. Any funds remaining after November 15, 2024, 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-23, and not required to pay obligations for that fiscal year, may be budgeted for FY-24, 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-23 budget work program and after such revision has been approved by the Office of Management and Enterprise Services.

Passed the Senate the 18th day of May, 2022.

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Presiding Officer of the Senate

Passed the House of Representatives the 20th day of May, 2022.

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Presiding Officer of the House  
of Representatives

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: \_\_\_\_\_