

An Act

ENROLLED SENATE
BILL NO. 828

By: Griffin and Pittman of the
Senate

and

Caldwell of the House

An Act relating to the Oklahoma Health Care Authority; creating the Nursing Facility Supplemental Payment Program Revolving Fund; specifying contents of fund and authorized expenditures; prohibiting use of fund for certain purposes; requiring the Health Care Authority to promulgate rules regarding assessment of penalties and interest, with limitations; repealing 63 O.S. 2011, Sections 5022 and 5022.1, which relate to wage and salary adjustments; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Oklahoma Health Care Authority

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1011.13 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Health Care Authority to be designated the "Nursing Facility Supplemental Payment Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of:

1. All monies received by the Authority from nonstate governmental organizations pursuant to the Nursing Facility Supplemental Payment Program;

2. Any interest or penalties levied and collected in conjunction with the administration of this act; and

3. All interest attributable to investment of money in the fund.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Authority for the purposes of:

1. Transferring funds for the state share of supplemental payments for the Oklahoma Medicaid Program;

2. Transferring funds for the state share of administrative expenses incurred by the Authority or its agents and employees in performing the activities authorized by the Nursing Facility Supplemental Payment Program; or

3. Transferring funds for the maintenance of nursing facility reimbursement rates; provided, such transfers shall only include funds remaining after the transfers authorized by paragraphs 1 and 2 of this subsection.

C. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

D. Except for the transfers described in subsection B of this section, monies in the Nursing Facility Supplemental Payment Program Revolving Fund shall not be used to replace other general revenues appropriated and funded by the Legislature or other revenues used to support Medicaid.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1011.14 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Health Care Authority shall promulgate administrative rules that govern the assessment of penalties and interest against any nonstate governmental organization that fails to timely pay the full amount of a quarterly intergovernmental transfer; provided, however, that the penalty assessed shall not exceed five percent (5%) of the quarterly amount not paid on or before the due date. Penalties and interest collected pursuant to this section shall be deposited in the Nursing Facility Supplemental Payment Program Revolving Fund, as described in Section 1 of this act.

SECTION 3. REPEALER 63 O.S. 2011, Sections 5022 and 5022.1, are hereby repealed.

SECTION 4. This act shall become effective July 1, 2017.

SECTION 5. 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 Senate the 16th day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2017.

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: _____