

An Act

ENROLLED SENATE
BILL NO. 1044

By: Thompson and Rader of the
Senate

and

Wallace and Hilbert of the
House

An Act relating to the Oklahoma Health Care Authority; directing the Authority to achieve savings in an amount sufficient to provide certain rate increases; requiring compliance with certain laws, regulations and methodologies; directing the Authority to revise certain methodology and to modify compensation; providing for duties and compensation of employees; authorizing payment of certain expenses; providing process for exemptions; authorizing certain transfers; providing procedures; providing lapse dates; requiring and prohibiting certain budget procedures; 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. After approval by Centers for Medicare and Medicaid Services (CMS), but not earlier than October 1, 2019, through agency administrative savings and efficiencies, the Oklahoma Health Care Authority shall increase the current reimbursement rates for SoonerCare-contracted long-term care facilities by five percent (5%).

SECTION 2. After approval by Centers for Medicare and Medicaid Services (CMS), but not earlier than October 1, 2019, through agency administrative savings and efficiencies, the Oklahoma Health Care Authority shall increase the current reimbursement rates for all remaining SoonerCare-contracted provider types/groups by five percent (5%) with the following exclusions: services financed through appropriations to other state agencies, Durable Medical Equipment Prosthetics, Orthotics and Supplies, non-emergency transportation, services provided to Insure Oklahoma members, payments for drug ingredients/physician supplied drugs, Indian Health Services/Indian Tribal/Urban Clinics and Federally Qualified Health Centers, Program for the All-inclusive Care for the Elderly and rural health centers.

SECTION 3. All rate increases shall be in compliance with federal and state law and regulations, as well as state cost reimbursement methodologies.

SECTION 4. The Oklahoma Health Care Authority shall revise the payment methodology for hospital-based rural health care clinics. This revision shall increase payments to maximize the federal match.

SECTION 5. The Oklahoma Health Care Authority shall revise the methodology of the Disproportionate Share Hospital Program. The Authority shall then distribute the additional dollars from this revision to qualifying rural hospitals.

SECTION 6. 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 the State of Oklahoma; and

2. Pay professional expenses of any employee, including dues, licenses, professional memberships, continuing medical education classes conducted in the State of Oklahoma 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 utilizing those professional skills in the performance of their job duties.

SECTION 7. 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 8. 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 9. A. 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, 2019, 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 Oklahoma House of Representatives Appropriations and Budget Committee Chair and the Oklahoma State 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.

B. 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 and 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 10. The Office of Management and Enterprise Services shall transfer monies appropriated from the General Revenue Fund and the 245 Fund to the Oklahoma Health Care Authority disbursing funds in the amounts and ratios requested by the Authority, except that the cumulative amount transferred shall not exceed the cumulative amount of equal monthly allotments of the appropriation from the General Revenue Fund. Monies appropriated or collected for the fiscal year ending June 30, 2020, may be transferred to these disbursing funds for the fiscal year ending June 30, 2019, 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, 2019, to the disbursing fund for the fiscal year ending June 30, 2020, to satisfy encumbrances and obligations of said fiscal year. All transfer requests shall be in writing to the Office of Management and Enterprise Services. The Oklahoma Health Care Authority shall maintain records of the inter-year transfers.

SECTION 11. 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 12. Appropriations made to the Oklahoma Health Care Authority by Enrolled House Bill No. 2765 of the 1st Session of the 57th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2020 (hereafter FY-20), or may be budgeted for the fiscal year ending June 30, 2021 (hereafter FY-21). Funds budgeted for FY-20 may be encumbered only through June 30, 2020, and must be expended by November 15, 2020. Any funds remaining after November 15, 2020, and not budgeted for FY-21, shall lapse to the credit of

the proper fund for the then current fiscal year. Funds budgeted for FY-21 may be encumbered only through June 30, 2021. Any funds remaining after November 15, 2021, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-20, and not required to pay obligations for that fiscal year, may be budgeted for FY-21, 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-20 budget work program and after such revision has been approved by the Office of Management and Enterprise Services.

SECTION 13. This act shall become effective July 1, 2019.

SECTION 14. 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 21st day of May, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2019.

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: _____