

**FINAL LEGISLATIVE REPORT**

**FIRST REGULAR AND SPECIAL SESSIONS OF**

**THE 59th OKLAHOMA LEGISLATURE**

**AUGUST 1, 2023**

**INTRODUCTION**

The 2023 Oklahoma Legislative Session will be remembered as historically significant for several reasons. Both chambers of the Oklahoma Legislature passed the largest budget in the history of our state, without the agreement of the Governor. Notably, all three bodies of Oklahoma state government – the House, the Senate and the Governor – are all of the same political party, a unity which presumably would make major ongoing disagreements over core policy and budget issues a rarity.

Within mere weeks of the opening gavel of the 59th Legislative Session, significant disagreements over the funding of public education escalated, ultimately creating a schism that for a time, at least, appeared almost irreparable. This session became heavily dominated by the “Great Education Funding Policy War” between the Governor, the Speaker and the Senate Pro Tempore. Hundreds of important and unrelated bills were taken hostage, as each side attempted to up the ante, in an ongoing effort to persuade the opposing side. Members of the Legislature described the enduring education policy and funding war as “sucking all of the air out of the Capitol”.

Despite the prominent role education played in both policy and funding dialogue, there were many other policy areas that were examined, deliberated, and ultimately voted upon this session. Notably, funding for Health and Human Services was second only to Education in the FY 24 budget that was passed by this Legislature. While Education (Common Ed, Higher Ed, Career Techs, etc.) took 53% off the FY24 budget, Health and Human Services came in second collectively with 24% of the budget. Long term care will benefit significantly not only from direct increases in appropriations for nursing facilities, ICFs, and Veterans, but for the appropriations to Higher Education and Career Techs that will support our healthcare staffing infrastructure. Additional revenue was allocated for the implementation of the Health Information Exchange (HIE). Details regarding these appropriations appear in the Funding section of this report.

Our tireless work to expand Oklahoma’s healthcare workforce culminated in the passage of some crucial workforce legislation and funding of multiple education programs through ARPA and the FY24 appropriations process, as described within two sections of this report.

We have been very successful with our own long term care agenda this session. By working closely with members of the Legislature and the Executive Branch, we have been able to thwart bills that would have been harmful to the frail and vulnerable entrusted to our care, and have been successful in negotiating language and passing legislation that serves the interests of our members and the individuals we serve.

This is the first year that LAOK has had a Legislative Policy and Priorities Document. I have dropped the Legislative Report into the framework of your Legislative and Policy Priorities document so that you could visualize your success, the importance of ongoing Legislative activities in your work, and the potential for your impact individually and collectively.

Please feel free to text me or send me an email if you have any questions.

*Vickie White Rankin, Government and Media Relations,*

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**LEGISLATIVE AND POLICY PRIORITIES AND BILL SUMMARY 2023**

LeadingAge Oklahoma is the professional association of not-for-profit organizations dedicated to establishing the highest standards for services to Oklahoma’s aging and frail population.

LeadingAge Oklahoma Legislative and Policy Priorities reflect a visionary membership of long-term care providers dedicated to advancing the interests of frail and vulnerable Oklahomans, by leading the way in implementing both innovative and data-driven practices within the long-term care profession.

The not-for-profit continuum of care is vital to the survival of a quality system of long-term care in the state of Oklahoma. Ensuring a vibrant system of quality long-term care options helps to ensure the health and well-being of frail and vulnerable Oklahomans.

Therefore, LeadingAge OK will support legislation and long-term care policy which:

* **Facilitates the development, planning and support of a system of long-term care delivery that leads in innovative practices and provides cutting edge initiatives that will improve the current and future quality of life for Oklahoma’s most vulnerable.**

**HB1688 McEntire and Haste – HIE (Health Information Exchange) -** Moves the timeline for implementation to begin (rather than a hard deadline for full implementation) of the **Health Care Transparency Initiative** **(HIE)** for a digital claims database administered by the state **health information exchange** within the Health Care Authority, to July 1, 2023. This sought to create required exemption categories, including an entity providing longterm care insurance, self -funded ERISA plans, Medicare Supplement policies, Pharmacy Benefit Managers, and an employee of a negotiated Welfare Benefit Plan that is part of a Trust (Sec. 4, 11 (a) 1-4,). **HB 1688 is** **Dormant 4-28-23*.*** Notably, however, there were two separate versions of a Joint Resolution for the accompanying **OHCA Rules related to implementation of HIE**: **HJR1045** was **disapproved by the House and became dormant in the Senate.**

While Governor Stitt initially approved **SB22,** a similar Omnibus Administrative Rules Bill, following its passage in both the House and Senate, *he later disapproved the HIE (Health Information Exchange) rules that were contained within SB22, citing their violation of the Oklahoma Constitution.*

The Oklahoma Health Care Authority subsequently developed new rules that attempt to comply with the provisions of the Oklahoma Constitution. The new rules provide for the opportunity for an exemption for all health care providers and facilities. Each facility or provider *must actively apply* for the exemption. Under the new rules, all who apply will be exempted. You may review the new rules here: <https://oklahoma.gov/ohca/okshine/exemption.html>

If you or your facility wish to be granted a waiver, you *must* complete *an application form for exemption* at the following site: https://forms.office.com/Pages/ResponsePage.aspx?id=ZHgwmpg-CE-5CnKLYs8yxcZ9t9F4HbdAl4AxW5lZry9UQ041SzFZMTZZVFRDUFVCN1NZMVRZS0RCUS4u

**HB2747** Nicole Miller- Creates the Alzheimer’s Disease and Related Dementia Infrastructure Act, the Office of Alzheimer’s Disease and Related Dementia Resource Coordination in the Department of Health. This bill requires that OSDH develop and publish an Alzheimer’s and Dementia Disease State Plan, with updates every four years. It further requires OSDH to maintain a newly designated certified, appropriately educated and specifically trained community health worker specializing in dementia, in each Health District, representing all geographical areas of the state. **Vetoed by the Governor 6-9-23.**

**HB2830 Blancett and Garvin -** Prohibits the false advertising of facilities as memory care, Alzheimer's care, or dementia care if the facilities do not meet certain criteria, individuals advertising as such to be liable for penalties and changed with a misdemeanor. **Second chamber: not heard in Senate committee. Dormant 4-28-23.**

**SB216 Jessica Garvin -** Creates the Agency for Generational Excellence of Oklahomans to oversee and develop rules and regulations related to protecting the elderly and vulnerable adults. **Not heard in original Senate Committee. Dormant.**

**SB217** Warren Hamilton - Requires physicians to offer to administer a pharmacogenomic test to any patient in order to determine possible side effects prior to the prescription of any psychotropic drug. **Not heard in original Senate Health and Human Services Committee.**

**SB 230** Julie Daniels - Requires the state emergency operations plan include a provision

for responses to a catastrophic health emergency. **Signed by the Governor, 5-5-23.**

* **Supports an essential long term care continuum of services for Oklahoma’s aging and frail residents.**

**HB1957** Speaker of the House Charles McCall – Repeals the Long-term Care Certificate of Need Act. Repeals the authority of the Commissioner of Health and Dept. of Health to issue and oversee certificates of need. *Repeals 850-851.3 – Appears to repeal Commissioners ability to issue or deny. Repeals OSDH’s ability to regulate.* **Not heard in original committee. Dormant.**

**HB1958** Speaker of the HouseCharles McCall - Repeals qualifications, exemptions and procedures related to long-term care certificates of need. Companion bill to HB1957. *Repeals May Deny and Shall Deny Standards that include quality measures. THIS DOES AWAY WITH NOT- FOR -PROFIT SECTION (853.1)! Investigation made for not-for-profit life care certificate of needs, financial viability, holdings in Oklahoma, etc.* **Not heard in original committee. Dormant.**

**HB1959** Speaker of the HouseCharles McCall - Repeals certain procedures and requirements of the Dept. of Health and distributed by the Dept. related to certificates of need and establishment of long-term care facilities.

*This bill repeals the following:*

 ***63 O.S. 2021, Section 1-854.1 (appeal abilities and findings)***

 ***63 O.S. 2021, Section 1-857***

 ***63 O.S. 2021, Section 1-857.1***

 ***63 O.S. 2021, Section 1-857.2****,*

**Not heard in original committee. Dormant.**

**SB242** Julie Daniels - Repeals the Long-term Care Certificate of Need Act. **Not heard in original Senate Health and Human Services Committee. Dormant.**

**SB243** Julie Daniels - Exempts specialized intermediate facilities for persons with intellectual disabilities from provisions governing long-term care facilities and repeals various provisions related to certificates of need within long-term care facilities. **Not heard in original Senate Health and Human Services Committee. Dormant.**

**SB229** Jessica Garvin – Directs the Dept. of Health to inform persons making certain

complaints of the potential consequences associated with willfully and recklessly

submitting a false complaint. **Not heard in original Senate Health and Human Services Committee. Dormant.**

**SB231 -** Jessica Garvin – Designates the Health Care Authority as the state administer of the PACE program for all-inclusive care of the elderly and grants it related authority to enter into agreements and set rules. **Not heard in original SHHS Committee. Dormant.**

**SB596** – Jessica Garvin - Relates to intermediate-level long-term care facilities serving those with intellectual disabilities by instructing the Dept of Health to regulate them, increases the map radius for administration of these facilities of a certain size. **Not**

**heard in original Senate Health and Human Services Committee. Dormant.**

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* **Supports and protects funding and other revenue streams to meet the needs of aging services across the continuum of care, with maintenance of appropriate oversight and staffing requirements.**

**SB412 Jessica Garvin – P4P Bill -** Adjusts pay-for-performance standards for health care providers seeking payment by the Health Care Authority to focus on weight, urinary tract infections and certain cost standards. **Not heard in original committee. Dormant.**

**SB495** Greg McCortney - Defines unfunded mandates within statute and renders such mandates unenforceable. **Not heard in original committees. Dormant.**

**HB1659** Marcus McEntire – “Place holder” bill to use as potential vehicle as we need it. Author announced in committee that passage of anticipated CMS Rules may eliminate the need for a bill. Cross-outs in bill language would eliminate an *expired* committee that we created. That committee ultimately developed a strong nursing facility funding model in 2006. The funding model has created long-enduring rules at OHCA. Elimination of the committee does not eliminate rules or change the law. However, there are concerns surrounding a minute portion of language embedded in the committee section of the bill that some believe may have a potential to weaken requirements related to the funding formula. Language in the bill will be addressed / amended, if the bill moves forward. While our current state plan includes 70/30 language for any future funding distribution, conversations are underway at both the State and Federal levels regarding the need for flexibility rather than punitive action during the ongoing national healthcare staffing crisis. Even our national LeadingAge office has asked that we request such flexibility of our Federal elected officials in recent advocacy communications: “Reduce regulatory burdens and enhance flexibility to increase the number of staff, rather than punish and fine organizations for not having enough workers.” **Bill author decided not to move this as the placeholder bill. Dormant.**

**HB1825** Conley and Jett - Provides procedures for sales of real estate to entities exempt from certain taxes to receive tax statements from the county treasurer. **Not heard by Senate. Dormant.**

**HB 1955** McCall - Imposes an excise tax of 0% upon all retail sales of food and food ingredients sold for human consumption off the premises where sold, define terms; EMERGENCY. This is the House version of the “Grocery Tax Elimination” Bill. **Not heard by Senate. Dormant.**

**HB2003** Boatman and Siefried **-** Allows for prepayment options on ad valorem taxes by county officials, establishes guidelines for receiving and managing prepayments. **Not heard on Senate floor. Dormant 4-28-23.**

* **Promotes access to sufficient qualified long-term care staff to meet the needs of Oklahoma’s aging and vulnerable and assures the delivery of care by duly qualified staff and providers as a means to protect the consumer**.

**HB1045** Lawson and Gollihare – Adjusts standards for the conduct and reporting of drug screen testing to set reporting requirements and directs all reports to follow certain standards of confidentiality and detail. **Governor signed into law, May 22, 2023.**

**HB1065** John Talley – Prohibits Employers from discriminating in hiring or compensation against persons based upon criminal history with exceptions. Legal protections from certain civil liability. **Dormant. Not heard in original House Rules Committee.**

**HB1792** Osburn and Rader -Creates the Oklahoma Crime Reclassification Act of 2023 which adjusts the classification of various felony offenses and related punishments in statute. May impact pool of candidates for LTC staff positions, possibly increasing applicants, but perhaps weakening protections for frail and vulnerable if adequate guardrails and screening mechanisms are not maintained. **Passed Senate only with both the Title and Enacting Clause removed. Never made it to conference Dormant pursuant to the Rules.**

**HB1956** McCall and Treat - Removes prohibitions of renewal and reissue of certain professional licenses by licensing authorities when the Tax Commission finds those professionals to be out of compliance. It still requires garnishment and collection of taxes where owed. This will help to reduce barriers to staffing. **Signed by the Governor 6- 7-23. Earliest effective date: 11-1-23.**

**HB1963** Newton and Jech **-** Requires health benefit plans from certain insurers provide coverage of health care services provided through telemedicine when referred to out of state professionals by an in-state physician or practitioner. **Not heard in original Senate Committee. Dormant.**

**SB115** Bullard - Mandates employers allow employees to refuse participation in mandatory COVID-19 vaccination requirements via a form; EMERGENCY. **Not heard in original Committee. Dormant.**

**SB132** Michael Bergstrom - Exempts State Licenses issued by the Board of Nursing from denial or renewal or reissuance due to licensee tax noncompliance. **Not heard on House floor. Dormant.**

**SB135** David Bullard - Repeals certain provisions related to income tax compliance, state licenses and notice requirements. **Not heard in original Committee. Dormant.**

**SB369** Jessica Garvin - Expands disqualifying criminal circumstances for prospective nurse aides and reduces the disqualifying period following a conviction of certain lesser crimes from seven years to five years. **Vetoed by the Governor, with this message: “I will continue to veto any and all legislation authored by Senators who have not stood with the people of Oklahoma and supported this [tax credit] plan.” The Senate overrode the veto on 5-25-25. The House declined to override. Dormant pursuant to the rules.**

**SB458** Stanley and McEntire - Allows certain qualified and certified nurse practitioners, clinical nurse specialists, and certified nurse-midwives to apply for Independent Prescribing Authority, following a transition to practice period for newly licensed APRNs. This will increase access to care across Oklahoma, especially in geographic and specialty areas where there are critical physician shortages. This should prove especially beneficial to long term care**. Passed the Senate; Overwhelmingly passed the House’s largest committee representing more than 1/3 of House members, with 17 co-authors representing most of House Leadership, yet was denied a floor hearing, even with a roll call demonstrating more than 75% vote of support.**

**SB698** Jessica Garvin - Removes certain exemptions for non-profit organizations from the requirements of the Child Care Facilities Licensing Act. **Not heard in original Committee. Dormant.**

**SB754** Lonnie Paxton – Dental Board Bill- Modifies various provisions, responsibilities, training standards and scope of practice definitions of the State Dental Act; Includes provisions that will allow dental hygienists to provide care in nursing facilities, if requested, and to use tele-dentistry in these settings. EMERGENCY.**Signed by the Governor. Effective date: 11-1-23.**

* **Encourages and supports the appropriate training, education, compensation and development of qualified staff for aging services, programs and facilities.**

**SB 70** Garvin and Sneed – Sought to create a lower-level RN program called “Diploma Nurse”. Designated licensed CareerTech and private vocational schools as qualifying institutions to be approved for registered nursing programs. This same proposal has been defeated or denied a hearing for three years in both the Senate and the House. **Defeated in original Senate Committee. Dead for 2 years under Legislative Rules.**

**SB232** Garvin - Permits pharmacies and health practitioners to enter into collaborative practice agreements and allow pharmacists to administer certain health procedures. **Not heard in original committee. Dormant.**

**SB370** Jessica Garvin - Permits certain nursing facilities to employ nurse aides not yet certified if they are enrolled in training and competency evaluation programs, and provides for the approval of those programs by the Dept. of Health. **Not heard in original committee. Dormant.**

**SB371** Jessica Garvin - Modifies the required qualifications to be a licensed administrator of a Long-Term Care Facility, requires the Board of Examiners for Long-Term Care Administrators to develop at least one alternative training program. **Not heard in original committee. Dormant.**

**SB532** Adam Pugh - Creates the Workforce Development Revolving Fund for the State Regents to award to institutions increasing the number of degrees granted in certain critical occupation areas. 1/3 of funds directed to nursing education; EMERGENCY.

**Not heard in original committee. Dormant.**

**SB621** Adam Pugh - Creates an Oklahoma Workforce Commission to “coordinate programs and funds for workforce development” in the state. Does not specify nurses or healthcare workforce, or specialty areas; Rumored to lay long term groundwork for streamlining and consolidation of professional licensure boards. EMERGENCY**. Signed by the Governor 6-7-23. Earliest effective date: 8-24-23.**

* **Preserves regulation and oversight of aging services and long-term care entities that includes defined representation and input by not-for-profit providers and consumers, ensuring safe quality long-term care in the State of Oklahoma. Recognizes the Oklahoma State Board of Examiners for Long-Term Care Administrators as the primary regulatory authority for long-term care administrators.**

**HB2817** Gerrid Kendrix –Would have extended the sunset of the Long -Term Care Facility Advisory Board until 2029. Rep. Kendrix has folded the Long Term Care Advisory Board into the consolidation bill with OSBELTCA under OSDH in HB2824. *However, there is a second bill (SB571) that retains the Long-Term Care Advisory Board that we were able to pass, that the Governor has signed into law****.*** It remains to be seen whether these two bills can retain separate paths, whether they will be combined in conference committee, or if one will ultimately prevail over the other.  **HB2817 is dormant for this session.**

**HB2824** Gerrid Kendrix – Originally the sunset bill for the State Board of Examiners for Long Term Care Administrators. *The Legislature and Governor worked to consolidate OSBELTCA and the Long Term Care Facility Advisory Committee into OSDH. We worked closely with the Legislature to ensure that vital functions of the current boards would be maintained, that there would be adequate and appropriate representation of each sector of LTC governed by the board, that there would be guardrails and safeguards in both the licensure and peer review process, and that appropriate supports and tools for enforcement would be provided. One of our primary goals was to ensure that LTC administrators continue to meet needed education requirements to provide appropriate supervision of staff and care for the frail and vulnerable populations they serve. We worked to protect the existing Long Term Care Advisory Committee by segregating it into a separate bill (SB571).***Governor signed into law, May 22, 2023.**

**SB216** Garvin **-** Creates the Agency for Generational Excellence of Oklahomans to oversee and develop rules and regulations related to protecting the elderly and vulnerable adults. **Not heard in committee. Dormant.**

**SB229** Garvin **-** Directs the Dept. of Health to inform persons making certain complaints of the potential consequences associated with willfully and recklessly submitting a false complaint. **Not heard in committee. Dormant.**

**SB571** John Michael Montgomery and Cindy Roe- Extends the sunset for the Long-Term Care Facility Advisory Council and adjust membership composition, and terms of service, removes authority and obligation to review financials and make certain reports. *This bill may provide us with an opportunity to address issues created with the attempted sunset of OSBELTCA in HB2824, depending upon which committee it is assigned to in the House.* **Signed by the Governor, 5-2-23.**

**SB596** Jessica Garvin - Relates to intermediate-level long-term care facilities serving those with intellectual disabilities by instructing the Dept of Health to regulate them as distinct facilities from those under the Nursing Home Care Act, increases the map radius for administration of these facilities of a certain size. Maintains requirements for ICF administrators under OSBELTCA. **Not heard in original committee. Dormant.**

**SB783** Cari Hicks - Modifies regulation requirements of the Dept. of Health relating to intermediate care facilities of a certain size for individuals with intellectual disabilities. Essentially the same bill as SB596 above. **Not heard in original committee. Dormant.**

* **Miscellaneous**

**SB217** Hamilton - Requires physicians to offer to administer a pharmacogenomic test to any patient in order to determine possible side effects prior to the prescription of any psychotropic drug. **Not heard in original Committee. Dormant.**

**SB249** McCortney and Caldwell - Adjusts provisions related to illegal drugs to include a definition of palliative care and exempts such care from certain electronic prescription requirements; EMERGENCY. ***Vetoed by the Governor, with this message: “I will continue to veto any and all legislation authored by Senators who have not stood with the people of Oklahoma and supported this [tax credit] plan.”* The Legislature overrode the Governor’s veto. The law became effective without the Governor’s signature on 5-26-23.**

**SB580** Hall and Wallace - Relates to the Housing Authority Act by sunsetting provisions of the definition of "area of operation" for an authority of a city or county on December 31, 2026; EMERGENCY. ***On April 25, 2023, vetoed by the Governor, with this message: “I will continue to veto any and all legislation authored by Senators who have not stood with the people of Oklahoma and supported this [tax credit] plan.”* On April 26, 2023, Senate overrode the veto, 43-5. The House then failed to override the veto. The bill became dormant pursuant to the Rules.**

**HB 1082** Talley and Jett - Establishes a definition of palliative care under the Uniform Controlled Dangerous Substances Act, directs reporting on acute and chronic pain diagnoses and requires informed consent before an opioid regimen can begin; EMERGENCY.  **Not heard in Senate. Dormant.**

**HB 1368** Tammy West and Montgomery - Creates a Caregivers Tax Credit to be claimed against tax imposed up to 50% of certain expenditures incurred to care for an eligible family member, establishes standards by which the Tax Commission shall study and adjust the credit. **Died in House GCCA.**

**HB 1712** Marti and Garvin -Prohibits health insurers from refusing coverage for medical equipment prescribed to individuals by healthcare providers, and requires equal reimbursement for both in and out-of-network suppliers; EMERGENCY. **Not heard on Senate floor. Dormant.**

**HB1736** Townley and Stanley -Establishes exceptions, provides new definitions and procedures, as well as requirements of step therapy protocols offered by health benefit plans. **Signed by Governor.**

**HB2024** Wolfley and Bergstrom -Requires permission from election boards for notary publics to notarize greater numbers of absentee ballot affidavits, requires submission of logs, and imposes restrictions and fines for violations. **Not heard on Senate floor. Dormant.**

**HB2109** Pae and Montgomery **-** Prohibits landlords from engaging in retaliation against tenants for complaints or notice for justified corrective action and enhances certain legal remedies available to tenants. **Not heard on Senate floor. Dormant.**

**HB2181** Kevin West and Standridge - Prohibits the compelled movement of a person who potentially has a communicable disease to anywhere besides their place of residence and permits schools to prohibit persons with communicable diseases or head lice from attending; EMERGENCY. **Not heard in Senate. Dormant.**

**HB2741** Duel and Weaver - Creates the Oklahoma Elder Exploitation and Abuse Act to protect incapacitated and vulnerable adults via civil action, outlines certain proceedings to halt abuse and neglect. **Not heard in Senate. Dormant.**

**HB2748** Miller and Stanley -Prohibits health benefit plans that provide coverage for certain conditions from requiring enrollees to prove history of failure with other drugs or fails to successfully respond to a different drug before covering an approved drug. **Signed by the Governor. Earliest effective date 11-01-23.**

**FY24 APPROPRIATIONS AND BUDGET REPORT**

The Oklahoma Legislature gaveled open the First Session of the 59th Legislature with a great deal of optimism, amid a breathtaking state budget surplus of $1.2 billion dollars. The Legislature and Governor all appeared to agree that they should respond to overwhelming polling data and constituent demands to increase funding for schools and improve salaries for teachers. It was not long, however, before the responsibility of appropriating such a large revenue surplus responsibly turned sour. Mere weeks into the session, a skirmish broke out between the House Speaker and Senate President Pro Tempore over the manner in which education funding should be allocated, particularly over the issue of tax credits for private schools. It escalated further when the Governor entered the fray. Vital bills were vetoed, while other crucial measures were held hostage and nominations were stalled. Unrelated legislative measures, many of great importance to the people of Oklahoma, fell victim to the Great Education Policy War of 2023. The time to negotiate the rest of the FY24 budget evaporated, as the days and weeks wore on, and the standoff continued.

As the Constitutional Sine Die Adjournment date of May 26 rapidly approached, Legislative leaders became all too acutely aware that they would not have enough time to override anticipated Gubernatorial vetoes if they had not run all of the budget bills on the floor of both chambers by Friday, May 20th. For that reason, they called themselves into “Special” (Extraordinary) Session. The Constitution requires that the Governor sign or veto measures within 5 days when they are in session. If they are not in session, they cannot override a veto. Since the budget must be in place to begin the new fiscal year on July 1, they made the decision to complete the budget in a legal concurrent special session in order to allow for the completion of the appropriations process, along with the needed 5-day veto period, permitting them to return to override potential vetoes in June.

Budget committees began hearing the 71 appropriations bills on Monday, May 22. Each of these bills was required to be heard first in the originating committee, then the originating chamber, then in the opposite committee, then opposite chamber, before it could be transmitted to the Governor.

Overwhelming support within the majority caucus and in the Legislature was required to ensure that the budget would become a reality. Budget bills must have an emergency clause that passes the legislature in order to go effect in time for the start of the fiscal year, July 1. (The earliest that legislation can become effective without an emergency clause is 90 days sine die). Normally, a 2/3 majority vote in each chamber is required to pass an emergency. However, these bills needed a 3/4 majority vote on the floor of each chamber in order to override the bills that *contained emergency clauses.*

Vetoes of appropriations bills were anticipated as likely by this Legislature. In the opening days of the 59th Regular Session, the Governor warned state agencies not to request *any* increase for *any* programs, making it clear that he intended to maintain a flat budget, no matter what. The Governor can not only veto appropriations bills, he can line-item veto appropriations bills, leaving every single appropriated item in peril.

To safeguard against the risk, the Legislature called themselves into a *concurrent* “Special Session” (technically known as an Extraordinary Session of the 59th Legislature). Notably, a similar Concurrent Special Session was called in 2020, during the height of the COVID Pandemic.

The 2023 Concurrent Special Session was not confined to the Constitutional adjournment date of the last Friday in May, and therefore allowed the Legislature to continue the Special Session into the summer, after the Governor had taken action on all of the Special Session appropriations bills that made it to his desk. This allowed the Legislature to override any or all of the appropriations measures that might have been vetoed. (Notably, there were some significant substantive bills of interest that the Governor vetoed earlier in session, some of which are described in this Legislative update. Unlike the budget measures which need to be placed into law immediately, the other vetoed bills can be overridden at any time during the two-year regular sessions of the 59th Legislature.)

The Governor actively vetoed two appropriations bills, both relating to important Tribal Compacts that bring significant needed revenue into Oklahoma. The current budget includes this crucial $50 million revenue in its base. The House and Senate had to return to override each bill in both Chambers, beginning with the bill’s Chamber of Origin.

Both Chambers of the Legislature (House and Senate) are required to override both bills for them to become law. The House of Representatives first overrode the Gubernatorial veto of their Tribal Compact bill relating to vehicle registration, HB1005X. The Senate initially had difficulty overriding this measure, as some of their Senators who would have cast these vital override votes were out due to illness and loss of family members. As a result, the Special Session was extended to July 31, in order to allow time for the Senate to return. Upon its return, the Senate overrode the veto of both SB26X, the tobacco compact, and HB1005X, the tribal vehicle registration compact. The House reconvened at the end of July to override the veto of SB26X. Special Session adjourned sine die at midnight on July 31, after accomplishing the Legislature’s objective to ensure that the current tribal compacts, worth $50 million to the state, do not lapse while new compacts are being negotiated.

Some of the best news coming out of the FY24 budget for members of LeadingAge OK is represented in SB32, below, which represents the culmination of many months of work and advocacy with legislators.

**SB32 THOMPSON AND WALLACE –** This is the large 2023 appropriations limits bill for the Oklahoma Health Care Authority. This bill includes provisions of vital interest to LAOK members:

* Language providing for certain Medicaid funding of long-term care: “From the funds appropriated to the Oklahoma Health Care Authority, the Legislature appropriates the sum of **Forty-seven million, Seven -hundred sixty-seven thousand four hundred fifty-eight Dollars ($47,767,458.00)** which shall be used to increase reimbursement to long-term care facilities by Thirty-five dollars per day ($35) and reimbursement to intermediate care facilities for individuals with intellectual disabilities (ICF/IID) by $17 per day.” The proceeds provide one time- funding to be distributed equitably to all providers to fill the gap left in the wake of expired COVID funding. This is not formula revenue, and will not be treated as an ongoing rate increase, since limited one-time funds were used. While our current state plan includes 70/30 language for any future funding distribution, conversations may be developing at both the State and Federal levels regarding the need for flexibility rather than punitive action during the ongoing national healthcare staffing crisis. Even our national LeadingAge office has asked that we request such flexibility of our Federal elected officials in recent advocacy communications: “Reduce regulatory burdens and enhance flexibility to increase the number of staff, rather than punish and fine organizations for not having enough workers.”
* **30 Million Dollars** to provide grants for qualified providers to help defray the costs of the one-time connection to the state-designated entity for the Health Information Exchange (HIE).
* $600,000 to DMHSAS (Department of Mental Health and Substance Abuse Services) to provide an increase in funding for mental services for veterans and their families. Mental health continues to be an issue for veterans in longterm care, and in some studies has been shown to increase the likelihood of their need for longterm care. One in four active-duty service members show signs of a mental health condition, and Veterans of active service have a 50% greater likelihood of suicide than peers who have not served. **The Governor *declined to sign the entire FY24 budget.* However, he only vetoed two of the budget bills (tribal compacts), allowing this appropriations bill (SB32) to become law without the Governor’s signature on 6-2*-23.***

**SB1188 THOMPSON AND WALLACE -** Appropriates ARPA funding to the Health Care Workforce Training Commission to fund nursing program expansions at Northeastern Oklahoma Agricultural and Mechanical College ($1.3 million), Rogers State University ($1.25 million), East Central University ($7 million). The bill appropriates additional money for previously approved ARPA projects, including the pharmacy program expansion at Southwestern Oklahoma Student University ($5 million), expansion of the optometry program at Northeastern Oklahoma State University ($3 million) and expansion of a health care program at Southeastern Oklahoma State University ($1 million). This bill is one of several ARPA projects passed in 2022 and 2023 that support our efforts to improve nursing and healthcare workforce by increasing educational opportunities at Career Techs and Institutions of Higher Education, ultimately providing additional support for staffing in long-term care**. The law became effective without the Governor’s signature on 5-26-23.**

* **Interim Studies 2023**

Please see the Addendum to this Legislative Report for a comprehensive report of the upcoming Legislative Interim Studies for the 2023 interim between Legislative Sessions.

**THANK YOU, members of LeadingAge OK for caring for our frail and vulnerable, for your advocacy and your involvement in LeadingAge OK and our ongoing legislative efforts. Special thanks to the members of LeadingAge OK’s Legislative Committee and the members of the LeadingAge OK Board for your work in helping to develop and pass our Legislative Priorities document, and your time and commitment to the legislative process. The input and involvement of our LAOK members is invaluable to our success.**

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