

OFFICE OF JUVENILE AFFAIRS
April
MONTHLY BOARD OF DIRECTORS MEETING
MINUTES

April 18, 2008

BOARD MEMBERS

Present: Charlie Jackson
Jay Keel (arrived at 10:08 a.m.)
Lonelia Simmons
Edward L. Smith
Gary A. Taylor
George Lindley

Absent: Linda Ware Toure

PRESENT FROM THE OFFICE OF JUVENILE AFFAIRS

Todd Anderson, Gary P. Bolin, Don Bray, Dorothy Brown, Gene Christian, Paula Christiansen, Kevin Clagg, Jeff Gifford, Donna Glandon, Dennis Gober, Kimberlee Gray, J Lynn Hartman, Janet Johnson, Wayne Johnson, Tammy Kelly, Linda McLennan, Len Morris, Kim Sardis, Elizabeth Stewart

OTHERS PRESENT

Shawn Black, Stella Church, James Haynes, Tomas Haynes, Kindy Jones, Harvey Littleton, Angel Riggs

CALL TO ORDER

Chairman Judge George Lindley called the April, 2008 Meeting of the Board of Directors of the Office of Juvenile Affairs to order at 10:05 a.m. at the Office of Juvenile Affairs State Office, 3812 N. Santa Fe, Suite 400, Oklahoma City, OK 73118.

STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT

Ms. Linda McLennan, Board Secretary, confirmed the Board of Juvenile Affairs is in compliance with the Open Meeting Act.

INTRODUCTION OF GUESTS

Mr. Gene Christian, Executive Director, introduced guests attending the meeting: Stella Church representing Cabinet Secretary for Human Services, Mr. Howard Hendrick; and Mr. Shawn Black, Executive Director of Oklahoma Association of Youth Services.

Mr. Jay Keel arrived at the meeting.

PUBLIC COMMENTS

There were no Public Comments.

COMMENTS OF YOUTH EMPLOYEE HARVEY LITTLETON

Mr. Christian introduced Harvey Littleton. He is currently working as a part-time employee here at State

Office. What makes Harvey unique is that Harvey has spent time in the Rader Center and while there received his GED. He has court scheduled again next week. OJA has decided that if we were going to ask other business to employ our juveniles, we should start with ourselves. Harvey is the first choice for this new program at the State Agency.

Harvey is nineteen years old now and said he grew up on the southwest side of Oklahoma City. He was involved with Gangs and violence. He ended up at Rader on a shooting incident. He said while at the Rader Center he decided he did not want to live his life in prison and involved in violence. He found that school was his ticket out. With the help of workers at OJA, he passed his GED and received his high school diploma. It was the first time he was actually proud of his accomplishments. He hopes to attend Oklahoma State University in the fall.

The Board congratulated Harvey Littleton on his accomplishments and attitude and thanked him for speaking to the Members.

SPECIAL RECOGNITION OF TOMAS HAYNES

Tomas Haynes is a juvenile from the Southwest Oklahoma Juvenile Center located in Manitou. Tomas has won first place for the Oklahoma Department of Transportation (ODOT) poster contest for their Litter Campaign. This year, a total of 14,676 posters were submitted and judged. Tomas was presented a cash award of \$250.00. He also received a poster board mounted reprint and a T-Shirt with the poster design displayed. The contest winners were honored with an Awards Presentation and pizza luncheon at the ODOT Building Lobby. Following the luncheon, winners, families and teachers were introduced to the Floor of the House of Representatives by Honorable Representative Guy Liebmann.

Tomas's father, James Haynes, is very pleased at Tomas' efforts and would like for him to enroll at ITT to study art on a collegiate level. Tomas stated that with the attention with the win, he felt like a celebrity without all the money.

REPORTS

FINANCIAL COMMITTEE REPORT

Mr. Charlie Jackson stated that the Committee met that morning prior to the regular meeting. He will defer to Mr. Don Bray to present the report to the entire Board Members.

FINANCE REPORT

Mr. Don Bray, Budget Analysis Supervisor for the Financial Services Division, presented the Finance Report for the Month ended March 31, 2008.

FY-08 Budget Projections as of March 31, 2008

Description	Totals
FY-2008 Budget Work Program	\$124,219,921
Year-to-Date Expenditures	(83,363,902)
Encumbrances	(26,450,234)
Balance as of March 31, 2008	14,405,785
Less: Remaining Payroll Costs (Estimated)	(12,862,328)
Less: Remaining Travel Budget	(105,156)
Less: Restricted Funds	(628,979)
Less: Pending Encumbrances/Transfers	(09,998)
Balance Available	499,324

FY-08 Projections After Supplemental Appropriation

Description	Totals
Supplemental Appropriation	\$2,000,000
Balance Available	499,324
Less: Operational Deficit	(925,643)
Less: Rader School Contract	(320,000)
Less: Career Tech – COJC	(80,000)
Less: Rader Capitol Projects	(750,000)
Less: RFID	(300,000)
Balance Available	123,681

FY-08 Budget to Actual for Payroll as of March 31, 2008

	State Office	Residential Services	JSU	Totals
YTD BWP	4,561,008	19,192,311	12,976,026	36,729,345
YTD Exp	4,569,127	19,164,303	12,889,493	36,622,650
YTD Vary	-8,119	28,281	86,533	106,695

State Office includes OJJDP, JAIBG, and MIS

Travel Costs Comparison to Budget as of March 31, 2008

- Agency Year-to-Date Budget \$ 396,318
- Year-to-Date Expenditures \$ 291,162
- Year-to-Date Variance **\$ 105,156**

General Revolving Fund Revenue Status – March 31, 2008

General Revolving Fund	Budget to Date	Receipts	In Transit	Variance
SSI and SSA Support	38,750	163,443	0	24,693
Income from Rent	8,405	5,150	948	(2,307)
School Lunch Program	92,201	376,323	55,527	39,649
Inter-Agency Reimbursements	5,850	4,097	10,579	8,826
Reimbursements – Non-Federal	25,942	26,561	0	619
Sales of Documents & Merchandise	8,469	10,518	2,159	4,208
Other Receipts	69,074	41,304	11,588	(16,182)
Parental Responsibility-Child Support	175,230	169,847	19,373	13,990
Total Revolving Fund	\$823,921	\$797,243	\$100,17466	\$73,496

Agency Special Funds as of March 31, 2008

• 701 Trust Fund	\$ 457,320
• 702 Canteen Fund	16,188
• 703 Donation Fund	1,455
• 706 Dedicated Fund	17

Targeted Case Management

On December 4, CMS (Federal Centers for Medicare and Medicaid Services) published an interim final rule clarifying the definition of case management and targeted case management (TCM) services for which states may receive Medicaid payment. Implementing Section 6052 of the Deficit Reduction Act of 2005, the rule newly defines case management and TCM services to include only "those activities that help an individual gain access to needed medical, social, educational, and other services." The interim final rule was published Tuesday, December 4 - and went into effect March 3, 2008.

It reads in part ... "*• Parole and Probation. States often use parole and probation as methods by which offenders can be eased back into the mainstream society. The supervision, counseling, and oversight required by these programs assist individuals in learning--or re-learning--how to live within the legal bounds that society places on the behavior of its members. Both parole and probation are, however, functions of the administration of the justice system, and exist independent of the Medicaid program. These functions have their own goals (for example, conformance to law, adherence to conditions imposed by a court) which may coincide with goals of the Medicaid program, but exist separate and independent from it. Because probation and parole functions are necessary and integral components of the administration of another system, we believe that parole and probation functions are the direct services of corrections programs and are not Medicaid case management.*

Thus, we are prohibiting the use of parole or probation officers (or other employees or contractors of the justice system or court) as case management providers under Medicaid.

Individuals who are on parole or probation may still qualify to receive Medicaid case management or targeted case management services for which they otherwise qualify (for example, a Medicaid-eligible individual with a traumatic brain injury could qualify to receive case management targeted to a group of persons with brain injuries). However, claims for Medicaid case management must not include the administration of the State's parole or probation system. "

OJA had been providing the targeted case management services by our Juvenile Justice Specialists (juvenile probation officers throughout the state) to help generate about three million three hundred thousand dollars per year in revenue to offset the cost of these services. This rule change has the potential of cutting OJA's operational budget for the remainder of FY 2008 in the net amount of \$670,000 and FY 2009 in the net amount of \$2,300,000 for targeted case management services.

Residential Behavioral Management System

The Oklahoma Healthcare Authority (OHCA) has recognized an Organized Health Care Delivery System (OHCDS) as an entity with an identifiable component within its mission that is organized for the purpose of delivering health care. **The entity must furnish at least one service covered by the Oklahoma Medicaid State Plan itself (i.e. through its own employees).** Those employees who furnish each service must meet the State's minimum qualifications for its provision. So long as the entity continues to furnish at least one service itself, it may contract with other qualified providers to furnish Medicaid covered services. Since TCM is the only service provided by OJA, if we lose TCM reimbursement, OJA is bound

to lose RBMS reimbursement. RBMS helps generate about five million dollars per year in revenue to offset the cost of these services. This has the potential of cutting OJA's operational budget for the remainder of FY 2008 in the net amount of \$1,300,000 and FY 2009 in the net amount of \$3,900,000.00. The loss of RBMS revenue would affect the operation of 74 of the 222 Level E Group Homes.

Loss of Federal Funds \$6,200,000

Loss of Targeted Management (TCM)	\$2,300,000
Residential Behavioral Management Services (RBMS)	\$3,900,000

Loss of RBMS revenue would affect the Operation of 74 of 222 Level E Group Homes.

Title XIX and Title IV-E Revenue as of March 31, 2008

Type	Projections for FY-08		Actual FY-08		
	Annual Revenue	YTD Revenue	Receipts	In Transit	Variance
TCM	3,000,000	2,400,000	2,261,189	56,433	(82,378)
RBMS	5,177,817	4,142,254	3,880,590	440,903	179,239
Admin	175,000	140,000	176,515	39,676	76,191
Total IV-E	280,000	215,385	253,413	31,635	69,663
Total	\$8,632,817	\$6,897,639	\$6,571,707	\$568,647	\$242,715

Emergency Purchases

Date	Location	Description	Repair Cost
No Emergency Purchases Since Last Board Meeting.			

Sole Source

Vendor	Date	Cost	Requestor	Division/Purpose
No Sole Source Contracts this period.				

LEGISLATIVE REPORT

Ms. JLynn Hartman, Legislative Liaison, presented a Legislative Update of the 2008 Second Session of the Oklahoma 51st Legislature of those pertaining to or having effects on the Office Juvenile Affairs.

HOUSE BILLS

Bill/Author	Summary	Status
HB3001* H: D. Johnson S: Sykes	Oklahoma Youth Gang Prevention. ENGR: an increased penalty for encouraging gang participation to include incarceration of not less than 1yr in DOC; any felony associated with a street gang shall serve an additional 5 years; modifies malicious injury to property amount, increases fine, and adds imprisonment. Requires school employees to notify the superintendent who shall notify law enforcement when a child under 18 is believed to be involved in gang activity. CS: Title Struck FI=\$260,650 for one agent and secretary, plus a 1-800 line.	H-Jud & Pub Saf; Pass H(87-11); S-Appr; Currently on General Order in the Senate.

<p><u>HB3325</u> * H: Miller S: Aldridge</p>	<p>Relates to Oklahoma Central Purchasing Act. ENGR: modifies the powers and duties of the state purchasing director and the competitive bidding procedures and contracts; limits the use of purchase cards; increases emergency acquisitions amount for state agencies from \$35K to \$50K; clarifies DCS; repeals the notarized attachment of each contract. CS: Title struck. FI=\$0 state cost; potential savings to state agencies.</p>	<p>H-Gen Gov; Pass H(93-7); S-Appr; Currently on General Order in the Senate.</p>
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SENATE BILLS

Bill/Author	Summary	Status
<p><u>SB502 c</u>* S: Anderson H:Winchester</p>	<p>Establishes divisions of OJA. CS: Authorizes OJA to have 2 CLEET certified investigators to investigate crimes, serve and execute process, bench warrants, and other court orders. HAs: Title struck. FI=\$131,600 for salary and benefits.</p>	<p>S-Appr/HS; Pass S(44-0); H-Hum Serv; Pass H(96-2); HAs</p>
<p><u>SB1403</u> S: Anderson H: Duncan</p>	<p>Modifies the Youthful Offender Act relating to sentencing procedures, duration of sentence, and court procedures. HAs: Clarify definitions. Creates the Oklahoma Child Abuse Investigation Task Force with 14 members, one being the Director of OJA or designee, Chair is Commissioner of DPS, and staff assistance by the Child Advocacy Centers of Oklahoma. The Task Force shall review the roll of specialized child abuse investigators employed through the federally funded pilot program; monitor their case activity; develop recommendation; provide recommendations of the investigators duties; and evaluate the performance of the federally funded pilot project. Authorizes interagency agreements between Child Advocacy Centers of OK and state agencies to obtain access to records and files. Allows the Task Force to hold executive sessions.</p>	<p>S-Jud; Pass S(48-0); H-Jud & Pub Saf; Pass H(79-17); HAs</p>
<p><u>SB1421</u> S: Sparks H: Peters</p>	<p>Allows OJA and DHS to waive fingerprinting for all adults residing in a foster home for those who have a severe physical condition that precludes being fingerprinted. Permits one per quarter of the required visits by the agency to the foster child to occur in a location other than the foster home. HAs: Emergency added. DHS shall limit the number of children under DHS who remain in substitute care for over 24 months to no more than 30% of the children in care during any fiscal year.</p>	<p>S-Hlth/Hmn Res; Pass S(45-0); H-Hum Serv; Pass H(98-0); HAs</p>
<p><u>SB1673 E</u> S: Barrington H: Ingmire</p>	<p>Requires any state agency, board, department, commission or any other person or entity authorized to request a criminal history or analsis of fingerprints to have a national criminal history records check on all persons authorized to access or review the criminal history records checks information. HAs: Title restored. By 7-1-09 and within 60 days thereafter.</p>	<p>S-PubSaf&HmSec; Pass S(45-0); H-Jud & Pub Saf; Pass H(96-0); HAs</p>
<p><u>SB1694 *E</u> S: Burrage H: Jones</p>	<p>Directs DOE to establish mentorship programs in middle and high schools to reduce the dropout rates. CS: Enacting Clause Struck</p>	<p>S-Ed; Pass S(47-0); H-Ed; Currently on General Order in the House.</p>
<p><u>SB1760</u> S:Williamson H: Peters</p>	<p>Authorizes the appointment of juvenile court case managers to assist judges with the responsibilities of the juvenile docket; to increase the amount of information available to the court; to encourage accountability and communication; and to perform any other duties necessary to assist the court.</p>	<p>S-Jud; Pass S(47-0); H-Hum Serv; Currently on General Order in the House.</p>
<p><u>SB1763</u> * S: Ballenger H: Peters</p>	<p>Clarifies juvenile bureaus as departments of county for legal representation only. HAs: States the DA of the county shall represent unless the DA has a conflict of interest or declines, then the county commissioners may request the assistance of the AG or authorize the employment of private counsel.</p>	<p>S-Gen Gov; Pass S(46-0); H-Hum Serv; Pass H(100-1); HAs</p>
<p><u>SB1822</u> S: Eason Mcl H: Blackwell</p>	<p>Permits OJA to enter into Interlocal Agreements. HAs: Title restored.</p>	<p>S-Appr/HS; Pass S(47-0); H-Jud & Pub Saf; Pass H(97-0); HAs</p>

<u>SB1889</u> * S: Lamb H: Blackwell	Permits juveniles to be placed in county jail and requires OJA to pay for all food, care and medical costs. Title Restored. HAs: Title struck. FI=\$1,503,625.	S-Hum Serv; Pass S(36-10); H-Jud & Pub Saf; Pass H(95-5); HAs
C = Carryover bill. * = Title is struck. # = Enacting Clause Struck. E = Emergency.		

APPROPRIATION BILLS

Bill/Author	Summary	Status
<u>HB2253</u> E H: Miller S: MJohnson	DOC – appropriations and Budget Limitations. SAs: \$24 million Supplemental FY-08 to Dept. of Corrections. 4-8-08 Governor signed.	H-DirCal; Pass H(98-0); S-Dir Cal; Pass S(48-0); SAs (100-0)
<u>HB2259</u> E H: Miller S: MJohnson	OJA - Appropriations and Budget Limitations. SAs: \$2 million Supplemental FY-08 to OJA. 4-8-08 Governor signed.	H-DirCal; Pass H(96-1); S-Dir Cal; Pass S(48-0); SAs (99-0)
<u>HB2276</u> # H: Miller S: MJohnson	General Appropriations for all state agencies. SAs: Enacting Clause Struck.	H-A&B; Pass H(91-4); S-Dir Cal; Pass S(48-0); SAs
<u>HB2277</u> # H: Miller S: MJohnson	General Appropriations for all state agencies. SAs: Enacting Clause Struck.	H-Dir Cal; Pass H(79-12); S-Dir Cal; Pass S(48-0); SAs
<u>HB2279</u> E H: Miller S: MJohnson	General Appropriations. SAs: \$19,213,032 Supplemental FY-08 to State Board of Ed. 4-15-08 Governor signed.	H-DirCal; Pass H(80-10); S-Dir Cal; Pass S(47-0); SAs (97-0)
<u>HB2280</u> # H: Miller S: MJohnson	General Appropriations. SAs: Enacting Clause Struck.	H-A&B; Pass H(93-1); S-Dir Cal; Pass S(48-0); SAs
<u>HB2281</u> # H: Miller S: MJohnson	General Appropriations. SAs: Enacting Clause Struck.	H-Dir Cal; Pass H(79-10); S-Dir Cal; Pass S(48-0); SAs
<u>HB2282</u> # H: Miller S: MJohnson	General Appropriations. SAs: Enacting Clause Struck.	H-Dir Cal; Pass H(81-9); S-Dir Cal; Pass S(48-0); SAs
<u>HB2406</u> # H: Miller S: MJohnson	OJA – Appropriations and Budget Limitations. SAs: Enacting Clause Struck.	H-Dir Cal; Pass H(99-1); S-Dir Cal; Pass S(48-0); SAs
<u>HB2407</u> # H: Miller S: MJohnson	OJA - Appropriations and Budget Limitations. SAs: Enacting Clause Struck.	H-Dir Cal; Pass H(98-1); S-Dir Cal; Pass S(48-0); SAs
<u>SB345</u> C * S:Crutchfield H: Benge	OJA – Appropriations.	S-Dir Cal; Pass S (48-0); H-Dir Cal
<u>SB1280</u> # S: MJohnson H: Miller	OJA – Appropriations. HAs: Enacting Clause Struck.	S-Dir Cal; Pass S(48-0); H-Dir Cal; Pass H(92-2); HAs
<u>SB1281</u> # S: MJohnson H: Miller	OJA – Budgetary Limitations. HAs: Enacting Clause Struck.	S-Dir Cal; Pass S(48-0); H-Dir Cal; Pass H(91-1); HAs
<u>SB1281</u> # S: MJohnson H: Miller	OJA – Budgetary Limitations. HAs: Enacting Clause Struck.	S-Dir Cal; Pass S(48-0); H-Dir Cal; Pass H(91-1); HAs
<u>SB1352</u> # S: MJohnson H: Miller	OJA – Appropriations. CS: Enacting Clause Struck.	S-Dir Cal; Pass S(47-0); H-A&B - On Gen Order in House.
<u>SB1353</u> # S: MJohnson H: Miller	OJA – Appropriations. HAs: Enacting Clause Struck.	S-Dir Cal; Pass S(47-0); H-Dir Cal; Pass H(91-4); HAs
C = Carryover bill. * = Title is struck. # = Enacting Clause Struck. E = Emergency.		

ACTION ITEMS

DISCUSSION AND/OR POSSIBLE ACTION TO APPROVE THE MARCH 21, 2008 BOARD MEETING MINUTES.

MOTION BY LONELIA SIMMONS WITH SECOND BY EDWARD SMITH TO APPROVE THE MARCH 21, 2008 BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye: Charlie Jackson
Lonnie Simmons
Edward Smith
Gary Taylor
George Lindley

Abstain: Jay Keel

DISCUSSION OF AND/OR POSSIBLE ACTION FOR THE DISBURSEMENT OF THE \$2 MILLION DOLLAR SUPPLEMENTAL FUNDING

Mr. Christian presented the FY-08 Projections after supplemental appropriation.

Description	Totals
Supplemental Appropriation	\$2,000,000
Balance Available	499,324
Less: Operational Deficit	(925,643)
Less: Rader School Contract	(320,000)
Less: Career Tech – COJC	(80,000)
Less: Rader Capitol Projects	(750,000)
Less: RFID	(300,000)
Balance Available	123,681

No Action was Required.

Ms. Dorothy Brown, Assistant Attorney General, gave advice to the Board Members before voting to convene into Executive Session.

Items X. (A) (B) (C) and (D) will be discussed in Executive Session due to confidential nature of communications between the Board and its attorneys concerning pending investigations and litigation. To discuss such in open session would seriously impair the ability of the Board to handle the pending litigations in the public's best interest.

VOTE TO CONVENE INTO EXECUTIVE SESSION

MOTION BY JAY KEEL WITH SECOND BY GARY TAYLOR TO CONVENE INTO EXECUTIVE SESSION.

MOTION PASSED

Voting Aye: Charlie Jackson
Jay Keel
Lonnie Simmons
Edward Smith
Gary Taylor
George Lindley

VOTE TO RETURN TO OPEN SESSION

MOTION BY EDWARD SMITH WITH SECOND BY LONELIA SIMMONS TO RETURN TO OPEN SESSION.

MOTION PASSED

Voting Aye: Charlie Jackson
Jay Keel
Lonnie Simmons
Edward Smith
Gary Taylor
George Lindley

POSSIBLE VOTE ON ITEMS FROM EXECUTIVE SESSION.

There were no items to be voted on.

NEW BUSINESS

There was no new business for discussion.

ADJOURN

MOTION BY LONELIA SIMMONS WITH SECOND BY CHARLIE JACKSON TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Charlie Jackson
Jay Keel
Lonnie Simmons
Edward Smith
Gary Taylor
George Lindley

The meeting was adjourned at 12:00 p.m.

Minutes approved in regular session on the 19th day of June, 2008.

George W. Lindley

Judge George W. Lindley, Chairman

PREPARED BY:

Linda McLennan

Linda McLennan
Board Secretary