

SHORT TITLE: Poor persons and public health and safety; certificate of need; repealer; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 648

By: Rubottom

AS INTRODUCED

An Act relating to poor persons and public health and safety; amending Section 1, Chapter 18, O.S.L. 1993 (56 O.S. Supp. 1993, Section 199.3) and 63 O.S. 1991, Section 1-857.4 and Section 5, Chapter 330, O.S.L. 1993 (63 O.S. Supp. 1993, Section 3205), which relate to traumatic brain or spinal cord injury, data from long-term care facilities providing services to Medicaid recipients and University Hospitals; eliminating certificate of need requirements for certain contracts and for the University Hospitals; expanding certain data collection requirements and specifying data to be collected; repealing 63 O.S. 1991, Sections 1-850, 1-851, 1-851.1, 1-851.2, 1-851.3, 1-852, as amended by Section 14, Chapter 269, O.S.L. 1993, 1-853, 1-854.1, as amended by Section 1, Chapter 234, O.S.L. 1993, 1-857, 1-857.1, 1-857.2, 1-857.6, 1-858, 1-859, 1-880.1, 1-880.2, 1-880.3, 1-880.4, 1-880.5, 1-880.6, 1-880.7, 1-880.8, 1-880.9, 1-880.10 and 1-880.11 (63 O.S. Supp. 1993, Sections 1-852 and 1-854.1), which relate to the Long-term Care Certificate of Need Act and the Psychiatric and Chemical Dependency Facility Certificate of Need Act; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 18, O.S.L. 1993 (56 O.S. Supp. 1993, Section 199.3), is amended to read as follows:

Section 199.3 A. Subject to subsection C of this section, the Department of Human Services is authorized to enter into contracts for the provision of inpatient specialized rehabilitative and related services which qualify as medical assistance under Title XIX of the Social Security Act for eligible persons having a traumatic brain injury or spinal cord injury.

B. The Department of Human Services shall conduct a study in consultation with the Advisory Council on Traumatic Spinal Cord and Traumatic Brain Injury within the State Department of Health and then make recommendations to the Commission for Human Services for the establishment of a rate or other form of adequate payment for contracts with facilities, other than general acute care hospitals, providing inpatient specialized rehabilitative and related services for persons having a traumatic brain injury or spinal cord injury.

C. If the results of the study required by subsection B of this section demonstrate that making such services available to said persons would result in an overall lower cost for providing services to this population than current service delivery practices, the Department shall enter into contracts with specialized facilities that meet such standards as the Board of Health shall require for ~~certificate of need and~~ licensure under provisions of Title 63 of the Oklahoma Statutes, Section ~~1-850 et seq. and Section~~ 1-1901 et seq., ~~respectively.~~ Standards for licensure promulgated by the Board of Health for specialized facilities serving persons with traumatic brain injury or spinal cord injury shall, to the maximum

extent feasible, correspond substantially to the standards of the Council on Accreditation of Rehabilitation Facilities for such or similar facilities and services.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-857.4, is amended to read as follows:

Section 1-857.4 The Department of Human Services is hereby directed to establish forms and provide for the collection of monthly data necessary for the computation of occupancy rates from licensed long-term care facilities which provide services to Medicaid recipients and from licensed long-term care facilities which do not provide services to Medicaid recipients. Data shall include ~~those elements specified in subsection C of Section 8 of this act and the~~ licensed bed capacity, average daily census, days on which beds were reserved for residents temporarily absent and the number, if any, of semi-private units rented as private rooms. The Department of Human Services shall provide monthly reports thereof to the State Department of Health.

SECTION 3. AMENDATORY Section 5, Chapter 330, O.S.L. 1993 (63 O.S. Supp. 1993, Section 3205), is amended to read as follows:

Section 3205. A. ~~The transfer of the University Hospitals from the Commission for Human Services and the Department of Human Services shall not require a Certificate of Need pursuant to the provisions of Sections 2651 through 2656.2 of Title 63 of the Oklahoma Statutes; provided, however, that any expansion or change to the University Hospitals requiring a Certificate of Need after such transfer shall be subject to the provisions of Sections 2651 through 2656.2 of Title 63 of the Oklahoma Statutes.~~

~~B.~~ 1. University Hospitals shall be operated as general hospitals and shall be licensed by the State Commissioner of Health, and shall, as far as possible, meet the standards, requirements and essentials of the Joint Commission on Accreditation of Health Care

Organizations, the American Medical Association's Council on Medical Education, the American Specialty Boards and the Association of American Medical Colleges.

~~2.~~ B. The University Hospitals may provide services and receive payments therefor under Titles XVIII and XIX of the federal Social Security Act, and may participate in other federal medical programs.

~~3.~~ C. University Hospitals shall be available as teaching and training hospitals for the colleges of the University of Oklahoma Health Sciences Center, for the College of Medicine of the University of Oklahoma, for other health and educational facilities and shall provide indigent patient care.

SECTION 4. REPEALER 63 O.S. 1991, Sections 1-850, 1-851, 1-851.1, 1-851.2, 1-851.3, 1-852, as amended by Section 14, Chapter 269, O.S.L. 1993, 1-853, 1-854.1, as amended by Section 1, Chapter 234, O.S.L. 1993, 1-857, 1-857.1, 1-857.2, 1-857.6, 1-858, 1-859, 1-880.1, 1-880.2, 1-880.3, 1-880.4, 1-880.5, 1-880.6, 1-880.7, 1-880.8, 1-880.9, 1-880.10 and 1-880.11 (63 O.S. Supp. 1993, Sections 1-852 and 1-854.1), are hereby repealed.

SECTION 5. This act shall become effective July 1, 1994.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and 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.

44-2-1516

CJ