

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2665

By: Wells

AS INTRODUCED

An Act relating to poor persons; specifying purpose; requiring a waiver for a demonstration program to allow certain elderly persons to remain at home with assisted living services; requiring third-party evaluation; providing for statewide program; providing for codification; and declaring an emergency.

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 230.19 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The purpose of this section is to provide:

1. That an elderly person who is able to remain at home, or other appropriate residence, with assisted living services as needed continue to be as independent and self-sufficient as possible; and

2. A third-party evaluation system which will determine the most appropriate level of care necessary to protect the health, safety and welfare of an elderly person in order to allow such person to remain as self-sufficient and independent as possible.

B. The Department of Human Services, in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services, shall conduct a demonstration program to change the existing evaluation for the determination of medical eligibility of a person to be admitted to a nursing home, as such term is defined by the Nursing Home Care Act. The request for the waiver shall require that such person be evaluated by a third-party medical service provider who will determine the lowest and most appropriate level of care needed to protect the health, safety and welfare of the person.

C. Upon receipt of an evaluation of the demonstration project established pursuant to this section by a public or private contractor which indicates that expansion of the demonstration project on a statewide basis is economically feasible and practical, the Commission for Human Services shall request any required amendment to the approved waiver from the Secretary of the federal Department of Health and Human Services to allow the development of the statewide program. After receipt of such waiver, the Commission for Human Services shall promulgate rules, subject to legislative review, for developing a statewide program which will comply with the provisions of this section.

SECTION 2. 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.

45-2-8112

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