

SHORT TITLE: Public health and safety; Continuum of Care for the Elderly Act; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1276

By: Weedn

AS INTRODUCED

An Act relating to public health and safety; creating the Continuum of Care for the Elderly Act; providing short title; citing act; stating legislative findings and purpose; delineating composition of continuum; providing for codification; and providing an effective date.

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 1-800.1 of Title 63 unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Continuum of Care for the Elderly Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-800.2 of Title 63 unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Legislature finds that:

1. Oklahoma, like the rest of the nation, is aging and aging rapidly;

2. Oklahoma ranks fifteenth in the country in the percentage of elderly citizens, with thirteen and six-tenths percent (13.6%) of the population aged 65 years or older;

3. The anticipated inclusion of long-term care in the managed care system of delivery will necessitate a review of the overall system of delivery of long-term care services as presently structured;

4. A longer life expectancy and a growing elderly population supports the need to provide long-term care services in a manner which is coordinated and which recognizes the need to exercise personal control as a central factor in human development and quality of life; and

5. The majority of elderly people needing long-term care reside at home or in community settings.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-800.3 of Title 63 unless there is created a duplication in numbering, reads as follows:

A. The purpose of this act is to define a continuum of long-term care facilities or providers of care for the elderly, which shall include, but not be limited to, community-based services, adult day care, assisted living, home health care, nursing facility care, residential care and specialized facility care.

B. Continuum of long-term care further defines the level and types of health care services that can be provided by each facility or provider for the elderly who are in need of long-term care, and includes, but is not limited to, personal care, maintenance, basic day care and supportive assistance.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-800.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Continuum of Care for the Elderly Act:

1. Facilities or providers included in the continuum of long-term care shall include, but not be limited to:

- a. adult day care centers, which shall mean facilities, except for retirement centers and senior citizens centers, which provide basic day care services to four or more unrelated impaired adults for more than four

(4) hours in a twenty-four-hour period. An adult day care center shall be a distinct entity, either free standing or a separate program of a larger organization. An adult day care center shall be licensed and shall have a separately verifiable staff, space, budget and participant record system,

- b. assisted living facilities, which shall mean a program approach, within a physical structure, which provides or coordinates a range of services, available on a twenty-four-hour basis, for support of resident independence in a residential setting. Assisted living facilities shall promote resident self direction and participation in decisions, and shall emphasize choice, dignity, privacy, individuality, and independence within residential-like settings,
- c. home health care agencies, which shall mean any sole proprietorship, partnership, association, corporation or other organization which administers, offers or provides home health care services, for a fee or pursuant to a contract for such services, to clients in their place of residence. The term "home health care agency" shall not include individuals who contract with the Department of Human Services to provide personal care services;
- d. nursing facilities, which shall mean a home, an establishment or an institution, a distinct part of which is primarily engaged in providing:
 - (1) skilled nursing care and related services for residents who require medical or nursing care,

- (2) rehabilitation services for the rehabilitation of injured, disabled, or sick persons, or
 - (3) on a regular basis, health-related care and services to individuals who because of their mental or physical condition require care and services beyond the level of care provided by a residential care home which can be made available to them only through a nursing facility,
- e. residential care homes, which shall mean any home, establishment, or institution, licensed pursuant to the provisions of the Residential Care Act, Section 1-820 et seq. of Title 63 of the Oklahoma Statutes, other than a hotel, motel, fraternity or sorority house, or college or university dormitory, which offers or provides residential accommodations, food service, and supportive assistance to any of its residents, or houses any resident requiring supportive assistance. The residents shall be ambulatory and essentially capable of managing their own affairs, but shall not routinely require nursing care; provided, the term "residential care home" shall not mean a hotel, motel, fraternity or sorority house, or college or university dormitory, if such facility operates in a manner customary to its description and does not house three or more persons who require supportive assistance from such facility in order to meet an adequate level of daily living, and
- f. Specialized facilities, which shall mean any home, establishment, or institution which offers or provides inpatient long-term care services on a twenty-four-

hour basis to a limited category of persons requiring such services, including, but not limited to, a facility providing health or habilitation services for mentally retarded or developmentally disabled persons; and

2. Levels and types of health care services that can be provided by each facility or provider, include, but are not limited to:

- a. basic day care services, which means supervised health, social supportive, and recreational services in a structured daytime program which serves functionally impaired adults who cannot take care of themselves and who continue to live in their own homes, usually with the aid of family care givers,
- b. home health care services, which means skilled or personal care services provided to clients in their place of residence for a fee,
- c. long-term care services, which means service provided by a nursing home, or a specialized facility, as such terms are defined by Section 1-1902 of Title 63 of the Oklahoma Statutes,
- d. maintenance, which means meals, shelter, and laundry services,
- e. personal care, which means a specialized in-home service provided by a home health aide under a plan of care developed by and under the authorization of a registered nurse or a physician. Personal care service may include assistance with meal preparation, assistance with feeding, dressing, movement, bathing or other personal needs or maintenance, or general

supervision of the physical and mental well-being of a person who is incapable of maintaining a private, independent residence, or who is incapable of managing his or her person, whether or not a guardian has been appointed for such person, and services provided to meet the physical requirements of the patient and to accommodate the maintenance or supportive needs of a patient, and

- f. supportive assistance, which means the service rendered to any person which is less than the service provided by a nursing facility but which is sufficient to enable the person to meet an adequate level of daily living. Supportive assistance includes, but is not limited to, housekeeping, assistance in the preparation of meals, assistance in the obtaining, safe storage, distribution and administration of over the counter and prescription medications, assistance in making and keeping appointments for medical care and assistance in personal care as necessary for the health and comfort of such person. The term "supportive assistance" shall not be interpreted or applied so as to prohibit an individual's participation in housekeeping or meal preparation tasks as part of a written treatment plan of habilitation or rehabilitation of such individual. Supportive assistance shall not include medical service.

SECTION 5. This act shall become effective November 1, 1996.

