

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 456

By: Wright

COMMITTEE SUBSTITUTE

(Public health and safety - Assisted Living services Model
Demonstration Act - codification -

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 1-845.1 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 "Assisted Living
Services Model Demonstration Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-845.2 of Title 63, unless
there is created a duplication in numbering, reads as follows:

The purpose of the Assisted Living Services Model Demonstration
Act is to contribute to the development of a comprehensive system of
long-term care by mandating that the Department of Human Services
certify, monitor and evaluate, under the standards established
herein, demonstration community-based assisted living services
programs, funded by private pay and Medicaid, that provide a
homelike environment for a total of not more than three hundred
(300) older Medicaid eligible persons and persons with physical
disabilities who need assistance with activities of daily living.

The physical environment and the manner in which services are delivered by the assisted living services programs shall support the dignity, independence, individuality, privacy, choice, decision-making ability, safety and security of the consumers. Assisted living services shall be provided in apartment-type units with lockable doors to help ensure residents' privacy, dignity and independence. Living unit doors may be locked at the discretion of the consumer, except when a physician or mental health professional has certified in writing that the consumer is sufficiently cognitively impaired as to be a danger to self or others if the door locked.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-845.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Activities of daily living" (ADL) means self-care activities essential for sustaining health and safety such as eating, grooming, bathing, dressing, toileting, taking medication, transferring from a bed to a chair, and walking;
2. "Assisted living services" means a program of personal care, health services and other supportive services coordination and delivery, that are available on a twenty-four-hour basis in support of consumer independence in a group residential setting. Assisted living services promote consumer self-direction and participation in decisions that emphasize privacy, dignity, choice, independence, individuality, home-like environment, community, safety, and security;
3. "Consumer" means a person served by an assisted living services program;
4. "Continuous nursing care" means nursing supervision, pursuant to a physician's order for services, for a resident whose condition requires the supervision of a physician or for a resident

whose condition requires the supervision of a physician and continued monitoring of vital signs and physical status. Such services shall be medically complex enough to:

- a. require routine supervision, assessment, planning, or intervention by a nurse,
- b. require performance by or under the direct supervision of licensed nursing personnel or other professional personnel for safe and effective performance,
- c. be required on a daily basis, and
- d. be consistent with the nature and severity of the person's condition or the disease state or stage;

5. "Program" means promised, available, accessible, or managed assisted living services provided in a multi-unit residence. Where the context indicates, "program" also refers to the licensed and demonstration model certified provider of assisted living services;

6. "Instrumental activities of daily living" (IADL) means those activities that reflect a person's ability to perform household chores and tasks within the community which are essential for sustaining health and safety such as shopping, cooking, cleaning, managing money, using a telephone, doing laundry and accessing transportation; and

7. "Personal care" means assistance with or providing reminders for one or more activities of daily living.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-845.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Every person, organization or entity seeking to offer or make available assisted living services pursuant to this act shall apply for certification to the Aging Services Division of the Department of Human Services.

B. Only persons, organizations or entities that hold a current license from the State Department of Health as a home care agency or

a residential care facility shall be eligible for certification as providers of assisted living services under this act. If the entity applying for a license is a licensed residential care facility, the facility shall obtain, for all assisted living services units within the facility, a waiver from the State Board of Health of the rules governing residential care facilities which restrict self-medication of scheduled prescription drugs and which prohibit serving nonambulatory consumers.

SECTION 5. This act shall become effective November 1, 1997.

46-1-1185

CJ