

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1869

By: Seikel of the House

and

Weedn of the Senate

COMMITTEE SUBSTITUTE

(Public health and safety - amending 63 O.S. 1991,
Section 1-1920 - personal needs allowance -
amending Section 3, Chapter 348, O.S.L. 1999 (63
O.S. Supp. 1999, Section 5023) - per diem rate for
nursing facilities -

emergency)

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1920, is
amended to read as follows:

Section 1-1920. To protect each resident's funds, the facility
or home:

1. Shall, except as otherwise specified by this paragraph,
reserve a portion of each resident's monthly income, in an amount
not less than ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00),
as a personal needs allowance for use by the resident, or for use on
behalf of the resident by his guardian, or other representative
designated by the resident. The minimum monthly personal needs
allowance shall be automatically increased by the same percentage
and upon the same effective date as that of any cost-of-living
adjustment made pursuant to the federal Social Security Act;

2. Shall at the time of admission, provide each resident, or
~~his~~ the resident's representative, with a written statement
explaining the resident's rights regarding personal funds and

listing the services for which the resident will be charged, and obtain a signed acknowledgment from each resident or ~~his~~ the resident's representative that ~~he has received~~ the statement was received;

3. May accept funds from a resident for safekeeping and managing, if the facility or home receives written authorization from the resident or ~~his~~ the guardian of the resident; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or home or its operations, and who is not connected in any way to facility or home personnel or the administrator in any manner whatsoever;

4. Shall maintain and allow each resident and responsible party access to a written record of all financial arrangements and transactions involving the individual resident's funds;

5. Shall provide each resident, or ~~his~~ the resident's representative with a written itemized statement on request, of all financial transactions involving the resident's funds;

6. Shall keep any funds received from a resident for safekeeping in an account separate from the facility's or home's funds and shall maintain such funds as required by the Department of Human Services and federal regulations;

7. Shall return to the resident, upon written request by the resident or ~~his~~ the guardian of the resident, if court-appointed, all or any part of the resident's funds given the facility or home for safekeeping, including the interest accrued from deposits;

8. Shall place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility or home has written authorization from the resident or the resident's guardian or if the resident is a minor, ~~his~~ a parent of the minor, to handle it differently;

9. Unless otherwise provided by state law, upon the death of a resident, shall provide the administrator or executor of the

resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility or home; and

10. If the facility or home is sold, shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner.

SECTION 2. AMENDATORY Section 3, Chapter 348, O.S.L. 1999 (63 O.S. Supp. 1999, Section 5023), is amended to read as follows:

Section 5023. Effective January 1, 2000, and every January thereafter, except as otherwise provided by Section 1-1920 of this title the Oklahoma Health Care Authority will adjust the nursing facility per diem rate in an amount equal to the total amount of the savings to the Medicaid program as a result of the automatic cost-of-living adjustment on Social Security benefits received by nursing home recipients, as published in the Federal Register.

SECTION 3. 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.

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