ENGROSSED SENATE
BILL NO. 615

By: Williams of the Senate

and

Kirby, Deutschendorf and
Easley of the House

[public health and safety - direct care nursing staff-to-resident ratio in nursing facilities - codification - effective date - 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 1-1925.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 1999, no social services or activities staff person shall be counted in the direct care nursing staff-to-resident ratio in any nursing facility subject to the Nursing Home Care Act.

B. As used in this section:

1. "Nurse aide" means any person who provides nursing or nursing-related services to residents in a nursing facility, and who has been certified as a nurse aide by the State Department of Health. The term "nurse aide" shall not include:

a. a registered nurse,

b. a licensed practical nurse,

c. a certified medication aide,

d. a dietitian,

e. janitorial staff,

f. a therapist or therapy assistant,

g. an activity or social services director or staff, or

h. administrative staff of the nursing home; and

2. "Direct care nursing staff" means any nurse aide, registered nurse, licensed practical nurse, certified medication aide, therapist, or therapy assistant who provides hands-on nursing or hands-on nursing-related services to residents in a nursing facility. A registered nurse, licensed nurse, certified medication aide, therapist or therapy assistant who does not provide direct, hands-on nursing-related services to residents shall not be included in the direct care nursing staff-to-resident ratio in any shift.

C. 1. The Oklahoma Health Care Authority, the State Department of Health, and the Department of Human Services shall assist and support the Nursing Home Association of Oklahoma and the Oklahoma State Long-Term Care Ombudsman Program, as needed, in the design, implementation, and evaluation of pilot projects undertaken cooperatively by the two organizations to develop models of facility management and staffing that enhance quality of life and care for residents of nursing homes, and that support a stable and well-trained staff.

2. Such pilot projects are to be funded, to the extent funds are available, from recaptured Wage Enhancement funds.

3. The process for establishment, oversight, and evaluation of the pilot projects shall be directed by a Nursing Home Oversight Committee, which shall be convened by the Oklahoma Health Care Authority no later than July 15, 1999. Membership of the Committee shall include:

a. four nursing home owner/administrators, appointed by the Nursing Home Association of Oklahoma,

b. four Long-Term Care Ombudsmen, appointed by the State Long-Term Care Ombudsman,

c. two family members of nursing home residents,

d. one representative of the Oklahoma Health Care Authority,

e. one representative of the State Department of Health,

f. one representative of the Department of Human Services, and

g. four members of the Oklahoma Legislature, two each of whom shall be appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

D. The scope of the committee's responsibilities and authority shall be as follows:

1. Advise the Oklahoma Health Care Authority in the selection process for determining the location of pilot projects;

2. Advise the Oklahoma Health Care Authority in the selection of consultants to assist in the project. In selecting such consultants the Authority shall give preference to institutes of higher education in Oklahoma;

3. Design pilot projects and provide for their evaluation; and

4. Report findings and recommendations to the Legislature and the Governor on or before February 1, 2000, and each year thereafter until February 1, 2002.

E. The Oklahoma Health Care Authority shall conduct a separate fiscal impact study for each pilot project model. The study shall demonstrate:

1. The cost of statewide application for each model type; and

2. The cost of a five-year phase-in for full statewide application for each model type.

SECTION 2. This act shall become effective July 1, 1999.

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.

Passed the Senate the 1st day of March, 1999.

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President of the Senate

Passed the House of Representatives the ____ day of _____ , 1999.

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Speaker of the House of Representatives