ENROLLED SENATE
BILL NO. 661

By: Taylor, Morgan and Williams of the Senate

and

Benson, Adkins, Mitchell, Easley and Ostrander of the House

An Act relating to public health and safety; creating the Oklahoma Continuum of Care Task Force; providing for composition, appointments, vacancies, quorum, designation of officers, meeting dates, reimbursement, duties, staffing and report; requiring cooperation of state entities; requiring certain level of supervision for individual employed as nurse aide trainee; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby established until June 1, 2000, the Oklahoma Continuum of Care Task Force. The Task Force shall be composed of twenty-one (21) members, seven of whom shall be appointed by each the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives; provided, however, no member of the Oklahoma Legislature may be appointed to the Task Force.

B. 1. Members shall serve at the pleasure of the appointing authority. A vacancy on the Task Force shall be filled by the original appointing authority.

2. A majority of the members appointed to the Task Force shall constitute a quorum. A majority of the members present at a meeting may act for the Task Force.

3. The President Pro Tempore shall designate the chair and the Speaker shall designate the vice-chair of the Task Force from among the members of the Task Force.

4. The chair of the Task Force shall convene the first meeting of the Task Force on or before October 1, 1999.

5. The members of the Task Force shall determine meeting dates. Members shall not be compensated for their service but shall be reimbursed by their appointing authorities for necessary expenses incurred in the performance of their duties, pursuant to the provisions of the State Travel Reimbursement Act.

C. 1. The Task Force:

a. shall study the various long-term care programs currently being provided in this state and shall make recommendations concerning a comprehensive state policy regarding long-term care,

b. may divide into subcommittees in furtherance of its purpose,

c. shall examine staffing patterns in long-term care facilities and may recommend staffing changes,

d. shall compare the state Medicaid program funding system for long-term care facilities with systems used in other states and may recommend changes to such system,

e. shall examine and make recommendations regarding the feasibility of establishing an acuity-based reimbursement system, utilizing a Minimum Data Set (MDS) Assessment, for long-term care residents, and shall report its findings and recommendations to the Senate and the House of Representatives on or before February 1, 2000. As used in this subparagraph:

(1) "Acuity-based reimbursement system" means a system of funding that mandates the implementation of a per diem payment for long-term care facilities. The system shall cover all routine, ancillary and capital costs related to services furnished to long-term care residents and shall be based on a resident classification system that includes, but is not limited to, data from resident assessments and relative weights developed from staff time data, and

(2) "Minimum Data Set (MDS)" means a core set of screening, clinical and functional status elements, including common definitions and coding categories, that forms the foundation of a comprehensive assessment for all residents of Medicare or Medicaid certified long-term care facilities,

f. shall develop criteria for an "Ideal Nursing Home" demonstration project that may be used to test various innovations in nursing home care. The demonstration project may further be used to estimate the cost of implementing the innovations on a statewide basis,

g. shall work with the Office of the State Long-Term Care Ombudsman, the State Department of Health, the Oklahoma Health Care Authority, the Department of Human Services and all other related agencies and long-term care providers in developing a proposed policy for the state,

h. shall actively seek and consider input from the public, the business community, long-term care organizations, organizations for elderly or retired persons, public interest organizations, professional organizations, or any other groups or persons with an interest in the long-term care programs of this state and the work of the Task Force, and

i. shall solicit and accept written comments, recommendations and proposals, and shall hold public hearings to obtain comments from the public.

2. a. The Task Force shall be equally staffed by personnel from the Department of Human Services, the State Department of Health and the Oklahoma Health Care Authority; provided, however, the Department of Human Services shall act as the lead agency for staffing purposes.

b. All departments, officers, agencies and employees of the state shall cooperate with the Task Force in carrying out its duties and responsibilities, including, but not limited to, providing any information, records and reports as may be requested by the Task Force.

D. The Task Force shall submit a final report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives on or before February 1, 2000, regarding the findings and recommendations of the Task Force.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-891 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any assisted living facility that employs an individual who is in nurse aide training shall ensure that such individual is supervised by no less than a consulting nurse licensed to practice in this state.

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 26th day of May, 1999.

President of the Senate

Passed the House of Representatives the 26th day of May, 1999.

Speaker of the House of Representatives