

EHB 2392

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THE STATE SENATE  
Thursday, March 23, 2000

ENGROSSED  
House Bill No. 2392  
As Amended

ENGROSSED HOUSE BILL NO. 2392 - By: HASTINGS and ADKINS of the House and DOUGLASS of the Senate.

[ Nursing Home Care Act - nursing home contracts - arbitration - effective date ]

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1921, is amended to read as follows:

Section 1-1921. A. A written contract shall be executed between a person or ~~his~~ the guardian of or responsible party for a person, or if the resident is a minor, ~~his~~ a parent of the minor, and a facility or its agent within one hundred twenty (120) days from the time a person is admitted to a facility, or at the expiration of the period of previous contract, or when the source of payment for the resident's care changes from private to public funds or from public to private funds; ~~if.~~ If a person is a resident of a facility on the effective date of this act and no legally enforceable contract exists, then a contract as described in this section shall be executed within sixty (60) days after the effective date of this act. If the facility receives or is to receive payment

1 by the state or federal government, an individual contract with the  
2 nursing home is not required.

3 A resident shall not be discharged or transferred at the  
4 expiration of the term of a contract, except as provided in Sections  
5 1-1926 through 1-1937 of this title.

6 B. The contract shall be executed between the resident or the  
7 resident's guardian or, if the resident is a minor, ~~his~~ the parent  
8 or guardian of the minor and the licensee.

9 C. A copy of the contract shall be given to the resident or to  
10 the resident's representative at the time of the resident's  
11 admission to the facility.

12 D. A copy of the contract for a resident who is supported by  
13 nonpublic funds other than the resident's own funds shall be made  
14 available to the person providing the funds for the resident's  
15 support.

16 E. The contract shall be written in clear and unambiguous  
17 language and shall be printed in type no smaller than standard  
18 typewriter pica or elite type. The general form of the contract  
19 shall be prescribed by the Department.

20 F. The contract shall specify:

21 1. The term of the contract;

22 2. The services to be provided under the contract and the  
23 charges for the services;

1           3. The services that may be provided to supplement the contract  
2 and the charges for the services;

3           4. The sources liable for payments due under the contract;

4           5. The amount of deposit paid; and

5           6. The rights, duties and obligations of the resident, except  
6 that the specification of a resident's rights may be furnished on a  
7 separate document which complies with the requirements of Section  
8 1-1918 of this title.

9           G. The contract shall designate the name of the resident's  
10 representative, if any.

11           The contract shall provide that if the resident dies or is  
12 compelled by a change in physical or mental health to leave the  
13 facility, the contract and all obligations under it shall terminate  
14 immediately. All charges shall be prorated as of the date on which  
15 the contract terminates, and, if any payments have been made in  
16 advance, the excess shall be refunded to the resident. This  
17 provision shall not apply to life-care contracts through which a  
18 facility agrees to provide maintenance and care for a resident  
19 throughout the remainder of ~~his~~ the life of a resident or to  
20 continuing-care contract through which a facility agrees to  
21 supplement all available forms of financial support in providing  
22 maintenance and care for a resident throughout the remainder of ~~his~~  
23 the life of the resident.

1           SECTION 2. This act shall become effective November 1, 2000.  
2   COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-21-00 - DO  
3   PASS, As Amended.