

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1571

By: Williams

AS INTRODUCED

An Act relating to public health and safety; providing for exclusion of certain staff and inclusion of certain staff in certain count; defining term; providing for consideration of certain staff for purpose of specified calculation; requiring certain agencies to assist and support in the design, implementation, oversight and evaluation of certain pilot project; making such project contingent upon funding; providing for direction of specified activities related to such pilot project by certain committee; creating the Nursing Home Oversight Committee; providing for convening, membership, election of officers, quorum, scope of responsibilities, and authority of the Committee; providing for compliance with the Oklahoma Open Meeting Act and the Administrative Procedures Act; requiring the Oklahoma Health Care Authority to conduct certain study for each pilot project model; stating contents of study; providing for codification; providing an effective date; and declaring an 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. 1. Effective July 1, 2000, no social service or activities staff shall be counted in the direct care staff-to-resident ratio in any nursing facility subject to the provisions of the Nursing Home Care Act.

2. Effective July 1, 2001, therapists and therapy assistants may be counted in the direct care staff-to-resident ratio in any nursing facility subject to the provisions of the Nursing Home Care Act.

3. As used in this subsection, "direct care nursing staff" means any nurse aide, registered nurse, licensed practical nurse, certified medication aide, therapist or therapy assistant who provides nursing or nursing related services to residents in a nursing facility; provided, however, for purposes of calculating the state wage enhancement rate pursuant to the provisions of Section 5022 of Title 63 of the Oklahoma Statutes, social services and activities staff personnel shall be considered direct care nursing staff.

B. 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 Office of the State Long-Term Care Ombudsman, as needed, in the design, implementation, oversight and evaluation of pilot projects, undertaken cooperatively by the two entities, to develop models of nursing facility management and staffing that enhance quality of life and care for residents, and that support stable and well trained staff.

2. Such pilot projects shall be funded to the extent funds are available.

3. The process for design, implementation, oversight and evaluation of the pilot projects shall be directed by the Nursing Home Oversight Committee created herein.

C. There is hereby created to continue until May 31, 2003, in accordance with the provisions of the Oklahoma Sunset Law, a Nursing Home Oversight Committee.

1. Membership of the Committee shall include:

- a. five nursing home owners/administrators, appointed by the Nursing Home Association of Oklahoma,
- b. five long-term care ombudsmen, appointed by the State Long-Term Care Ombudsman,
- c. a representative from the State Department of Health,

- d. a representative from the Department of Human Services,
- e. one member of the Oklahoma State Senate, appointed by the President Pro Tempore of the Senate, and
- f. one member of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives.

2. The Committee shall be responsible for and shall be authorized to:

- a. advise the Oklahoma Health Care Authority in the selection process for locations of the pilot projects provided for in this section,
- b. advise the Oklahoma Health Care Authority in the selection of consultants to assist in such projects; provided, however, preference shall be given to institutes of higher education in this state,
- c. design pilot projects and arrange for evaluation of such projects, and
- d. report its findings and recommendations to the Legislature and Governor on or before March 1, 2001, and each year thereafter until May 31, 2003.

3. The Administrator of the Oklahoma Health Care Authority shall convene the first meeting of the Committee on or before July 31, 2000. The Committee shall elect from among its members a chair and vice-chair. A majority of the members of the Committee shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers and duties of the Committee. The proceedings of all meetings of the committee shall comply with the provisions of the Oklahoma Open Meeting Act and shall be subject to the provisions of the Administrative Procedures Act.

D. The Oklahoma Health Care Authority shall conduct a fiscal impact study for each pilot project model. The study shall demonstrate the cost of:

1. Statewide application for each pilot project model; and
2. A five-year phase-in for full statewide application for each pilot project model.

SECTION 2. This act shall become effective July 1, 2000.

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.

47-2-2649

CJ

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