

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2310

By: Hamilton

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; providing legislative intent for additional funding for additional programs; amending 63 O.S. 2001, Sections 1-1920 and 1-1941, which relate to the Nursing Home Care Act; updating language; modifying certain maximum reserves; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

It is the intent of the Oklahoma Legislature that additional funds be expended for:

1. Congregate meals program;
2. Adult day care centers; and
3. Prescription drugs for the elderly.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-1920, is amended to read as follows:

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

1. Shall 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 or her guardian, or other representative designated by the resident;

2. Shall at the time of admission, provide each resident, or his or her 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~~. The nursing facility shall obtain a signed acknowledgment from each resident or ~~his~~ representative that ~~he~~ the resident or representative has received the statement;

3. May accept funds from a resident for safekeeping and managing, if the facility ~~or home~~ receives written authorization from the resident or ~~his~~ guardian; ~~such~~. The 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~~ facility 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~~ representative of the resident 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~~. The facility shall maintain such funds as required by the ~~Department of Human Services~~ Oklahoma Health Care Authority 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 but not limited to the interest accrued from deposits;

8. Shall place any monthly allowance to which a resident is entitled in that resident's personal account, ~~or~~ 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, 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 but not limited to 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 3. AMENDATORY 63 O.S. 2001, Section 1-1941, is amended to read as follows:

Section 1-1941. All state agencies receiving complaints on, or conducting surveys or inspections of, nursing ~~home~~ facilities shall forward complete copies of complaints or of inspection or survey results to the Ombudsman Program of the ~~Special Unit on Aging~~ Department of Human Services.

SECTION 4. This act shall become effective July 1, 2004.

SECTION 5. 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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