

ENGROSSED HOUSE
BILL NO. 2300

By: Tibbs, McClain, Lindley,
Toure, Wells, Liotta, Roan,
Walker and Kirby of the
House

and

Cain of the Senate

(human services - Oklahoma Consumer-Directed
Personal Assistance and Support Services Act -
expansion - 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 198.11 of Title 56, unless there
is created a duplication in numbering, reads as follows:

A. Sections 1 and 2 of this act shall be known and may be cited
as the "Oklahoma Consumer-Directed Personal Assistance and Support
Services (Oklahoma CD-PASS) Act".

B. The purposes of the Oklahoma Consumer-Directed Personal
Assistance and Support Services Act are to:

1. Provide assistance, on a voluntary basis, to families with a
Medicaid-eligible member who requires long-term support services, or
to provide assistance to Medicaid-eligible individuals who require
long-term support services, so that such persons may remain in their
family residence or in their own home; and

2. Afford frail elderly individuals and adults with
disabilities, on a voluntary basis, who are Medicaid-eligible, and
who need basic assistance with mobility, self-care and health
maintenance, the ability to have maximum control over the selection

of persons working on their behalf and the manner in which personal assistance services are to be provided to such consumers.

C. The Oklahoma Legislature finds that:

1. Providing services to individuals needing in-home and community-based care, as well as providing assistance to their family members, should be supported;

2. Giving recipients of in-home and community-based services and their family members a choice in the selection of services needed and providers to be utilized enhances a sense of dignity and autonomy for those individuals receiving care; and

3. Providing consumers and their families with choice and control over their lives is a goal that should be supported.

D. The Oklahoma Legislature further recognizes the importance of providing options and alternatives to persons receiving in-home and community-based services, and as such, supports demonstration programs which have positive outcome results.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 198.11a of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Aging Services Division within the Department of Human Services, upon the approval of the Centers for Medicare and Medicaid Services, shall establish the Oklahoma Consumer-Directed Personal Assistance and Support Services (Oklahoma CD-PASS) Demonstration Program. The purpose of the Oklahoma Consumer-Directed Personal Assistance and Support Services Demonstration Program is to enhance the range of choices and options for Medicaid-eligible consumers, on a voluntary basis, who require long-term care support services, and to assist families with a Medicaid-eligible member who requires long-term care support services to arrange and purchase their own personal care and related services.

B. The Oklahoma Consumer-Directed Personal Assistance and Support Services Demonstration Program includes, but is not limited to, the following types of services:

1. a. Basic services, such as getting recipient in and out of bed, wheelchair or motorized chair, or both,
- b. Assisting with certain bodily functions, such as bathing and personal hygiene, dressing and grooming, and feeding including preparation and cleanup;
2. Ancillary services such as shopping and cleaning;
3. Companion-type services such as transportation, letter writing, and reading; and
4. Any other service requested by the eligible recipient needing care and services.

C. In developing the Oklahoma Consumer-Directed Personal Assistance and Support Services Demonstration Program, the Aging Services Division shall develop guidelines, eligibility criteria, program performance standards, and evaluation techniques to test the outcome results of the Oklahoma Consumer-Directed Personal Assistance and Support Services Demonstration Program.

D. The Aging Services Division may consult with various federal, state, and local entities in order to fulfill the purposes of the Oklahoma Consumer-Directed Personal Assistance and Support Services Demonstration Program.

E. The Aging Services Division may contract with entities in fulfilling the purposes of the Oklahoma Consumer-Directed Personal Assistance and Support Services Demonstration Program.

F. The Aging Services Division, upon the approval of the Centers for Medicare and Medicaid Services, and upon the availability of funds, may expand the Oklahoma Consumer-Directed Personal Assistance and Support Services Demonstration Program to a statewide status if the outcome results after evaluation of the

Program demonstrates consumer satisfaction and cost efficiencies in delivering the Program.

G. The Commission for Human Services and the Oklahoma Health Care Authority Board shall promulgate any rules necessary to implement the provisions of the Oklahoma Consumer-Directed Personal Assistance and Support Services Act.

SECTION 3. This act shall become effective July 1, 2004.

SECTION 4. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 3rd day of March, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate