

THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 2010

Committee Substitute for
House Bill No. 3224

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3224 - By: HOSKIN AND DORMAN of the House.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-890.3, as amended by Section 2, Chapter 53, O.S.L. 2009 (63 O.S. Supp. 2009, Section 1-890.3), which relates to the promulgation of rules to implement the provisions of the Continuum of Care and Assisted Living Act; adding requirement of providing alternative power in assisted living centers; and providing an effective date.

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

- 1 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-890.3, as amended by
2 Section 2, Chapter 53, O.S.L. 2009 (63 O.S. Supp. 2009, Section 1-890.3), is amended to
3 read as follows:
- 4 Section 1-890.3 A. The State Board of Health shall promulgate rules necessary to
5 implement the provisions of the Continuum of Care and Assisted Living Act. Such rules
6 shall include, but shall not be limited to:
- 7 1. A uniform comprehensive resident screening instrument to measure the needs
8 and capabilities of residents in all settings and to determine appropriate placements of
9 residents;

- 1 2. Physical plant requirements meeting construction and life safety codes, with
2 provisions accommodating resident privacy and independence in assisted living centers
3 and in assisted living components of continuum of care facilities based on the variable
4 capabilities of residents;
- 5 3. Staffing levels responsive to the variable needs of residents, with provisions for
6 sharing of staff between components in a continuum of care facility;
- 7 4. Standards for measuring quality outcomes for residents;
- 8 5. Provisions for individualized services chosen by and designed for each resident;
- 9 6. Procedures for inspections and investigations of licensed entities to ensure
10 compliance with the Continuum of Care and Assisted Living Act and rules promulgated
11 by the Board;
- 12 7. Enumeration of resident rights and responsibilities to be observed by each
13 facility and its staff;
- 14 8. Provisions for a surety bond or deposit from each applicant in an amount
15 sufficient to guarantee that obligations to residents will be performed, with provisions for
16 reduction or waiver of the surety bond or deposit when the assets of the applicant or its
17 contracts with other persons are sufficient to reasonably ensure the performance of its
18 obligations;
- 19 9. Provisions for the development of a consumer guide or similar resource to be
20 posted on the Internet website of the State Department of Health to assist individuals
21 and families in understanding the services provided by assisted living centers and to
22 compare and select a facility; ~~and~~

1 10. Provisions for posting results of routine inspections and any complaint
2 investigations of each assisted living center on the Internet website of the Department.
3 Such information shall be regularly updated to include the facility's plan of correction
4 and to indicate when a violation of a licensing regulation was corrected by the facility;
5 and

6 11. Provisions requiring the availability of alternative power in assisted living
7 centers. Such requirements shall include the installation of generators in assisted living
8 centers constructed after November 1, 2010, and the use of portable generators in
9 already constructed assisted living centers.

10 B. The nursing care service of a continuum of care facility shall be subject to the
11 requirements, procedures and remedies set out in the Nursing Home Care Act, including
12 provisions relating to resident rights.

13 C. The adult day care component of a continuum of care facility shall be subject to
14 requirements and procedures specified under the Adult Day Care Act.

15 SECTION 2. This act shall become effective November 1, 3010.

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-24-10 - DO
17 PASS, As Amended and Coauthored.