

EHB 1065

1 THE STATE SENATE
2 Thursday, April 2, 2009

3 ENGROSSED

4 House Bill No. 1065

5 ENGROSSED HOUSE BILL NO. 1065 - By: Faught, Dank and Martin (Steve)
6 of the House and Crain of the Senate.

7 An Act relating to public health and safety; amending 63
8 O.S. 2001, Sections 1-890.2, as amended by Section 1,
9 Chapter 347, O.S.L. 2007 and 1-890.3 (63 O.S. Supp. 2008,
10 Section 1-890.2), which relate to the Continuum of Care and
11 Assisted Living Act; adding definition; requiring
12 development of certain consumer guide; requiring results of
13 certain inspections be posted on website; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-890.2, as
17 amended by Section 1, Chapter 347, O.S.L. 2007 (63 O.S. Supp. 2008,
18 Section 1-890.2), is amended to read as follows:

19 Section 1-890.2 As used in the Continuum of Care and Assisted
20 Living Act:

21 1. "Assisted living center" means any home or establishment
22 offering, coordinating or providing services to two or more persons
23 who:

- 24 a. are domiciled therein,
- 25 b. are unrelated to the operator,
- 26 c. by choice or functional impairments, need assistance
- 27 with personal care or nursing supervision,

- 1 d. may need intermittent or unscheduled nursing care,
2 e. may need medication assistance, and
3 f. may need assistance with transfer and/or ambulation;
4 2. "Board" means the State Board of Health;
5 3. "Commissioner" means the Commissioner of Health; ~~and~~
6 4. "Continuum of care facility" means a home, establishment or
7 institution providing nursing facility services as defined in
8 Section 1-1902 of this title and one or both of the following:
9 a. assisted living center services as defined in the
10 Continuum of Care and Assisted Living Act, and
11 b. adult day care center services as defined in Section
12 1-872 of this title; and
13 5. "Department" means the State Department of Health.

14 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-890.3, is
15 amended to read as follows:

16 Section 1-890.3 A. The State Board of Health shall promulgate
17 rules necessary to implement the provisions of the Continuum of Care
18 and Assisted Living Act. Such rules shall include, but shall not be
19 limited to:

- 20 1. A uniform comprehensive resident screening instrument to
21 measure the needs and capabilities of residents in all settings and
22 to determine appropriate placements of residents;

1 2. Physical plant requirements meeting construction and life
2 safety codes, with provisions accommodating resident privacy and
3 independence in assisted living centers and in assisted living
4 components of continuum of care facilities based on the variable
5 capabilities of residents;

6 3. Staffing levels responsive to the variable needs of
7 residents, with provisions for sharing of staff between components
8 in a continuum of care facility;

9 4. Standards for measuring quality outcomes for residents;

10 5. Provisions for individualized services chosen by and
11 designed for each resident;

12 6. Procedures for inspections and investigations of licensed
13 entities to ensure compliance with the Continuum of Care and
14 Assisted Living Act and rules promulgated by the Board;

15 7. Enumeration of resident rights and responsibilities to be
16 observed by each facility and its staff; ~~and~~

17 8. Provisions for a surety bond or deposit from each applicant
18 in an amount sufficient to guarantee that obligations to residents
19 will be performed, with provisions for reduction or waiver of the
20 surety bond or deposit when the assets of the applicant or its
21 contracts with other persons are sufficient to reasonably ensure the
22 performance of its obligations;

1 9. Provisions for the development of a consumer guide or
2 similar resource to be posted on the Internet website of the State
3 Department of Health to assist individuals and families in
4 understanding the services provided by assisted living centers and
5 to compare and select a facility; and

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

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

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

19 SECTION 3. This act shall become effective November 1, 2009.

20 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
21 3-26-09 - DO PASS.