

EHB 2285

1 THE STATE SENATE
2 Wednesday, March 17, 2010

3 ENGROSSED

4 House Bill No. 2285

5 ENGROSSED HOUSE BILL NO. 2285 - By: Wright (John) of the House and
6 Aldridge of the Senate.

7 An Act relating to sunset; amending 63 O.S. 2001, Section 1-
8 1923, as amended by Section 1, Chapter 25, O.S.L. 2004 (63
9 O.S. Supp. 2009, Section 1-1923), which relates to the Long-
10 Term Care Facility Advisory Board; re-creating the Board;
11 and modifying termination date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1923, as
14 amended by Section 1, Chapter 25, O.S.L. 2004 (63 O.S. Supp. 2009,
15 Section 1-1923), is amended to read as follows:

16 Section 1-1923. A. There is hereby re-created, to continue
17 until July 1, ~~2010~~ 2014, in accordance with the provisions of the
18 Oklahoma Sunset Law, a Long-Term Care Facility Advisory Board which
19 shall be composed as follows:

20 1. The Governor shall appoint a twenty-seven-member Long-Term
21 Care Facility Advisory Board which shall advise the State
22 Commissioner of Health. The Advisory Board shall be comprised of
23 the following persons:

- 24 a. one representative from the Office of the State Fire
25 Marshal, designated by the State Fire Marshal,

- 1 b. one representative from the Oklahoma Health Care
2 Authority, designated by the Administrator,
3 c. one representative from the Department of Mental
4 Health and Substance Abuse Services, designated by the
5 Commissioner of Mental Health and Substance Abuse
6 Services,
7 d. one representative from the Department of Human
8 Services, designated by the Director of Human
9 Services,
10 e. one member who shall be a licensed general
11 practitioner of the medical profession,
12 f. one member who shall be a general practitioner of the
13 osteopathic profession,
14 g. one member who shall be a registered pharmacist,
15 h. one member who shall be a licensed registered nurse,
16 i. one member who shall be a licensed practical nurse,
17 j. three members who shall be of reputable and
18 responsible character and sound physical and mental
19 health and shall be operator-administrators of nursing
20 homes which have current licenses issued pursuant to
21 the Nursing Home Care Act and who shall have had five
22 (5) years' experience in the nursing home profession
23 as operator-administrators,

- 1 k. three members who shall be residential care home
2 operator-administrators licensed pursuant to the
3 provisions of the Residential Care Act,
4 l. three members who shall be adult day care facility
5 owner-operators licensed pursuant to the provisions of
6 the Adult Day Care Act,
7 m. three members who shall be continuum of care facility
8 or assisted living center owner-operators licensed
9 pursuant to the provisions of the Continuum of Care
10 and Assisted Living Act, and
11 n. six members who shall be over the age of sixty-five
12 (65) who shall represent the general public;

13 2. The designated representative from the Office of the State
14 Fire Marshal, the designated representative from the Department of
15 Mental Health and Substance Abuse Services, the designated
16 representative from the Department of Human Services, and the
17 designated representative from the State Department of Health shall
18 serve at the pleasure of their designators;

19 3. The initial appointments of the Governor shall be for the
20 following terms:

- 21 a. the initial term of the member of the medical
22 profession shall be for a three-year term,

- 1 b. the initial term of the member of the osteopathic
2 profession shall be for a three-year term,
3 c. the initial term of the registered pharmacist shall be
4 for a two-year term,
5 d. the initial term of the licensed registered nurse
6 shall be for a two-year term,
7 e. the initial term of the licensed practical nurse shall
8 be for a one-year term,
9 f. of the initial terms for the twelve members who are
10 licensed operator-administrators for facilities
11 pursuant to the Nursing Home Care Act, residential
12 care homes pursuant to the Residential Care Act, adult
13 day care facilities pursuant to the Adult Day Care
14 Act, and continuum of care facilities and assisted
15 living centers pursuant to the Continuum of Care and
16 Assisted Living Act, four shall be for one-year terms,
17 four shall be for two-year terms, and four shall be
18 for three-year terms; provided that representatives
19 for each of the terms shall include one individual
20 representing facilities subject to the provisions of
21 the Nursing Home Care Act, one individual representing
22 residential care homes subject to the Residential Care
23 Act, one individual representing facilities subject to

1 the provisions of the Adult Day Care Act, and one
2 individual representing continuum of care facilities
3 and assisted living centers subject to the provisions
4 of the Continuum of Care and Assisted Living Act, and
5 g. the initial terms for the six members of the general
6 public over the age of sixty-five (65) shall be for
7 one-, two-, three-, four-, five- and six-year terms
8 respectively; and

9 4. After the initial designations or appointments, the
10 designated representative from the Office of the State Fire Marshal,
11 the designated representative of the Oklahoma Health Care Authority,
12 the designated representative of the Department of Human Services
13 and the designated representative of the Department of Mental Health
14 and Substance Abuse Services shall each serve at the pleasure of
15 their designators. All other terms shall be for a three-year
16 period. In case of a vacancy, the Governor shall appoint
17 individuals to fill the remainder of the term.

18 B. The State Department of Health shall provide a clerical
19 staff worker to perform designated duties of the Advisory Board.
20 The Department shall also provide space for meetings of the Advisory
21 Board.

22 C. The Advisory Board shall annually elect a chair, vice-chair
23 and secretary-treasurer, shall meet at least quarterly, and may hold

1 such special meetings as may be necessary. The members of the
2 Advisory Board shall be reimbursed as provided for by the State
3 Travel Reimbursement Act.

4 D. The Advisory Board shall have the power and duty to:

5 1. Serve as an advisory body to the Department for the
6 development and improvement of services to and care and treatment of
7 residents of facilities subject to the provisions of the Nursing
8 Home Care Act, homes subject to the provisions of the Residential
9 Care Act and facilities subject to the provisions of the Adult Day
10 Care Act;

11 2. Review, make recommendations regarding, and approve in its
12 advisory capacity the system of standards developed by the
13 Department;

14 3. Evaluate and review the standards, practices, and procedures
15 of the Department regarding the administration and enforcement of
16 the provisions of the Nursing Home Care Act, the Residential Care
17 Act and the Adult Day Care Act, and the quality of services and care
18 and treatment provided to residents of facilities and residential
19 care homes and participants in adult day care centers. The Board
20 may make recommendations to the Department as necessary and
21 appropriate;

22 4. Evaluate and review financial accountability standards,
23 policies and practices of residential care facilities regarding

1 residents' funds for which the facility is the payee, and evaluate
2 and review expenditures made on behalf of the resident by the
3 facility to ensure that such funds are managed appropriately and in
4 the best interests of the resident; and

5 5. Publish and distribute an annual report of its activities
6 and any recommendations for the improvement of services and care and
7 treatment to residents of facilities and residential care homes and
8 participants in adult day care centers on or before January 1 of
9 each year to the Governor, the State Commissioner of Health, the
10 State Board of Health, the Speaker of the House of Representatives,
11 the President Pro Tempore of the Senate, and the chief
12 administrative officer of each agency affected by the report.

13 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-15-10
14 - DO PASS.