

1 ENGROSSED HOUSE
2 BILL NO. 2002

By: Dorman and Pittman of the
House

3 and

4 Brinkley of the Senate

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7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 1-890.3, which relates to the
9 promulgation of rules to implement the provisions of
10 the Continuum of Care and Assisted Living Act;
11 modifying scope of rules; and providing for
12 exceptions.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, 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;

23 2. Physical plant requirements meeting construction and life
24 safety codes, with provisions accommodating resident privacy and
independence in assisted living centers and in assisted living

1 components of continuum of care facilities based on the variable
2 capabilities of residents;

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

6 4. Standards for measuring quality outcomes for residents;

7 5. Provisions for individualized services chosen by and
8 designed for each resident;

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

12 7. Enumeration of resident rights and responsibilities to be
13 observed by each facility and its staff;

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

20 9. Provisions for the development of a consumer guide or
21 similar resource to be posted on the Internet website of the State
22 Department of Health to assist individuals and families in
23 understanding the services provided by assisted living centers and
24 to compare and select a facility; ~~and~~

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

7 11. Provisions requiring the availability of alternative power
8 in assisted living centers that provide services to fifty or more
9 individuals. Exceptions shall be allowed for assisted living
10 centers that can demonstrate financial hardship and waivers shall be
11 granted for assisted living centers connected by a corridor to an
12 assisted living center with a generator; and

13 12. Provisions requiring the filing of an evacuation plan with
14 the county emergency management department and the local fire
15 department.

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

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

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