



1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1017.1 of Title 56, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Sections 1 through 7 of this act shall be known and may be  
5 cited as the "Oklahoma Choices for Long-Term Care Act".

6 B. The purpose of the Oklahoma Choices for Long-Term Care Act  
7 is to make long-term services and supports for citizens easily  
8 accessible, cost-effective and of high quality and to provide a  
9 comprehensive and systematic approach to addressing these needs.  
10 The Oklahoma Choices for Long-Term Care Act shall provide older  
11 Oklahomans and adults with physical disabilities the opportunity to  
12 choose where they live and receive their services, and provide  
13 efficient administration of the ADvantage Waiver Program.

14 SECTION 2. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1017.2 of Title 56, unless there  
16 is created a duplication in numbering, reads as follows:

17 The Legislature finds that:

18 1. Oklahoma has a successful home- and community-based services  
19 program known as the ADvantage Waiver Program for the frail, elderly  
20 and adults with physical disabilities age twenty-one (21) and over  
21 who do not have mental retardation nor a cognitive impairment. The  
22 ADvantage Waiver Program provides the following services: case  
23 management, transitional case management, advantage personal care,

1 advanced supportive/restorative, skilled nursing - home health  
2 setting, RN assessment evaluation, occupational therapy, physical  
3 therapy, respiratory therapy, speech/language therapy, adult day  
4 health, personal care in adult day health, therapy in adult day  
5 health, home-delivered meals, NF extended respite, in-home respite,  
6 in-home extended respite, environmental modifications, hospice, and  
7 specialized medical equipment and supplies;

8       2. Many Oklahomans who could safely stay at home with cost-  
9 effective home- and community-based services go into nursing  
10 facilities the day assistance is needed because their eligibility  
11 for nursing facility supports is "presumed" by the nursing facility,  
12 while eligibility for home and community supports can take weeks or  
13 months. If their circumstances are such that they need immediate or  
14 urgent care, they lose their choice to live and receive their  
15 services at home. Once they are in a nursing facility, they may  
16 lose their home or the supports they need to stay at home; and

17       3. The cost of serving Oklahomans who are in nursing facilities  
18 when they could be living and receiving services at home is  
19 significantly higher than the cost of serving them with home- and  
20 community-based services.

21       SECTION 3.       NEW LAW       A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1017.3 of Title 56, unless there  
23 is created a duplication in numbering, reads as follows:

1 To be eligible for the ADvantage Waiver Program, a person shall:

2 1. Qualify financially for Medicaid;

3 2. Be sixty-five (65) years of age or older or be a physically  
4 disabled adult as determined by the Social Security Administration,  
5 age twenty-one (21) years or older without mental retardation or  
6 cognitive impairment;

7 3. Be determined to meet the nursing facility institutional  
8 level of care by the Aging Services Division of the Department of  
9 Human Services;

10 4. Reside in his or her own home or a family member's home; and

11 5. Have needs that can be safely met with waiver services and  
12 family or community supports.

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1017.4 of Title 56, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. The Oklahoma Health Care Authority is directed to create a  
17 system of eligibility for home- and community-based services  
18 provided by the ADvantage 1915C Waiver Program that provides for  
19 presumptive eligibility.

20 B. The Department of Human Services is directed to make such  
21 changes in its regulations, policies and procedures as are necessary  
22 to implement the eligibility requirements established pursuant to  
23 subsection A of this section.

1 C. The Oklahoma Health Care Authority shall develop and submit  
2 for approval no later than November 1, 2011, applications for  
3 waivers or amendments to waivers of applicable federal laws and  
4 regulations as necessary to implement the provisions of the Oklahoma  
5 Choices for Long-Term Care Act. Copies of all waivers submitted to  
6 the United States Centers for Medicare and Medicaid Services shall  
7 be provided to the Governor, the Speaker of the Oklahoma House of  
8 Representatives and the President Pro Tempore of the Oklahoma State  
9 Senate within ten (10) days of their submissions. Waivers and  
10 amendments to waivers approved by the United States Centers for  
11 Medicare and Medicaid Services as provided in this section shall be  
12 provided to the Governor, the Speaker of the Oklahoma House of  
13 Representatives and the President Pro Tempore of the Oklahoma State  
14 Senate within ten (10) days of their approval. The Oklahoma Health  
15 Care Authority shall implement any waivers and amendments to waivers  
16 approved by the United States Centers for Medicare and Medicaid  
17 Services no later than January 1, 2012, or within sixty (60) days of  
18 their approval. The Oklahoma Health Care Authority shall report the  
19 savings as the result of the Oklahoma Choices for Long-Term Care Act  
20 each year in its annual report.

21 SECTION 5. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1017.5 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

1 The Long-Term Care Management Authority (LTCA) shall be directed  
2 to lead the state's efforts to address the long-term supports and  
3 service needs of its citizens. With this responsibility, the LTCA  
4 shall:

5 1. Serve as a catalyst and change agent to lead the state's  
6 efforts to enhance and sustain home- and community-based long-term  
7 services and supports;

8 2. Collaborate with the Legislature to apply for both public  
9 and private funding opportunities in conjunction with other state  
10 agencies and receive designated appropriations for funding of long-  
11 term services and supports initiatives;

12 3. Initiate joint planning, development, implementation,  
13 evaluation and management of home- and community-based long-term  
14 supports and services in this state;

15 4. Streamline the existing, sustainable private sector of  
16 experienced home- and community-based providers to deliver critical  
17 services to citizens at a lower cost, higher quality and in a timely  
18 manner; and

19 5. Provide accountability for performance, transparency and  
20 responsiveness to state agencies, private sector providers, the  
21 Legislature, and other stakeholders through monthly, quarterly and  
22 annual reports based on measurable goals, benchmarks and best  
23 practices through ongoing information-sharing.

1 SECTION 6. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1017.6 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma Health Care Authority and the Department of Human  
5 Services are directed to cooperate and collaborate with the Long-  
6 Term Care Management Authority to address the long-term supports and  
7 service needs to the citizens of this state.

8 SECTION 7. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1017.7 of Title 63, unless there  
10 is created a duplication in numbering, reads as follows:

11 The Long-Term Care Management Authority (LTCA) is directed to  
12 assume administrative agent responsibilities for the ADvantage  
13 Waiver Program. The LTCA shall:

14 1. Prepare for transition by developing a comprehensive plan  
15 for assuming administrative agent responsibilities that outlines the  
16 key objectives, activities and timelines involved in the transition  
17 of the operation and administrative responsibilities for the  
18 ADvantage Waiver Program currently under the administration of the  
19 Department of Human Services;

20 2. Implement the transition plan by assuming management  
21 responsibilities for ADvantage Waiver Program operations;

22 3. Focus immediate efforts on the following areas to diminish  
23 the increasing negative impact to members and service providers:

- 1 a. assess the current backlog of service plan  
2 authorization and implement a plan to return service  
3 authorizations to a best-practice timeline (no more  
4 than five (5) days),
- 5 b. evaluate challenges with the current service  
6 authentication technology, AuthentiCare, and recommend  
7 a plan for resolution,
- 8 c. investigate problems related to assessor subjectivity  
9 involved in denied medical eligibility, voluntary  
10 withdrawals, and nursing home placement and recommend  
11 a plan for resolution, and
- 12 d. assess the extent of unpaid claims related to delayed  
13 service plan authorizations and challenges with the  
14 AuthentiCare system, and recommend a plan to return  
15 claims payment to a best practice timeline;

16 4. Evaluate and identify other areas of concern based on the  
17 following Centers for Medicare and Medicaid Services Waiver  
18 Assurances: level of care, service plans, qualified providers,  
19 health and welfare, administrative authority, and financial  
20 accountability;

21 5. Provide a status report of immediate efforts to the  
22 Legislature by August 1, 2011;

1       6. Develop an improvement plan with performance measures to the  
2 Legislature by September 1, 2011; and

3       7. Establish a monthly report to the Legislature on the  
4 progress of ADvantage Waiver Program administration.

5       SECTION 8. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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10 COMMITTEE REPORT BY: COMMITTEE ON LONG-TERM CARE AND SENIOR  
11 SERVICES, dated 02-23-2011 - DO PASS, As Amended and Coauthored.

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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.