

1 **SENATE FLOOR VERSION**

2 April 9, 2012

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 2566

6 By: Wright, Sanders, Derby,
7 Russ, Kern and Walker of
8 the House

9 and

10 Ivester, Eason McIntyre,
11 Garrison and McAffrey of
12 the Senate

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15 An Act relating to public health and safety; amending
16 63 O.S. 2011, Section 1-890.3, which relates to the
17 promulgation of rules by the State Board of Health;
18 providing residents with freedom of choice without
19 financial penalty charged by assisted living center;
20 and providing an effective date.

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

22 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-890.3, is
23 amended to read as follows:

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

1. A uniform comprehensive resident screening instrument to
measure the needs and capabilities of residents in all settings and
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. Such resident rights shall
17 include the freedom of choice regarding any personal attending
18 physicians and all other providers of medical services and supplies
19 in accordance with a plan of accommodation without a financial
20 penalty or fee charged by the assisted living center;

21 8. Provisions for a surety bond or deposit from each applicant
22 in an amount sufficient to guarantee that obligations to residents
23 will be performed, with provisions for reduction or waiver of the
24 surety bond or deposit when the assets of the applicant or its

1 contracts with other persons are sufficient to reasonably ensure the
2 performance of its obligations;

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2012.

22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 4-4-12 - DO PASS, As
23 Amended and Coauthored.

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