

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1455

By: Treat of the Senate

and

Denney of the House

7  
8 COMMITTEE SUBSTITUTE

9 An Act relating to certificates of need; amending 63  
10 O.S. 2011, Section 1-853.1, which relates to  
11 applications by not-for-profit life care communities;  
12 removing authorization of open admission period;  
13 requiring open admission for certain nursing beds;  
14 limiting open admission to certain time period;  
15 limiting admission of certain persons to certain  
16 beds; requiring certain facilities to comply prior to  
17 renewal or reissuance of certificates of need; and  
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-853.1, is  
21 amended to read as follows:

22 Section 1-853.1. A. The investigation made pursuant to an  
23 application by a not-for-profit life care community for a  
24 certificate of need shall include:

1. The adequacy of financial resources for the acquisition,  
expansion, or establishment of a new long-term care facility and for  
the continued operation thereof;

1        2. The record of the applicant's current and prior ownership,  
2 operation, and management of similar facilities in this state and in  
3 any other state. The investigation of such record shall include,  
4 but not be limited to, inquiry to the State Long-Term Care Ombudsman  
5 Office, the state Medicaid Fraud Control Unit, and the state  
6 licensure and certification agency;

7        3. If the applicant has holdings in Oklahoma, a review of  
8 minutes of family councils and residents' councils, and the  
9 facilities' responses, from each of the applicant's holdings in this  
10 state; and

11        4. Any other matter which the Department deems necessary and  
12 appropriate.

13        B. 1. The State Department of Health may approve an initial  
14 certificate of need for a not-for-profit life care community for  
15 nursing care beds that does not exceed twenty percent (20%) of the  
16 total number of units in the life care community for which no  
17 certificate of need is required.

18        2. Approval of the initial certificate of need shall include  
19 ~~authorization for an open admission period for not more than seven~~  
20 ~~(7) years following the initial licensure of nursing care beds in~~  
21 ~~the life care community. During the open admission period, the life~~  
22 ~~care community may admit individuals who are not residents of the~~  
23 ~~life care community to the nursing care beds~~ open admission with  
24 respect to fifty percent (50%) of the nursing care beds. With

1 respect to the remaining nursing care beds, open admission shall  
2 only be allowed during the first seven (7) years following the  
3 initial licensure of nursing care beds in the life care community.

4 3. Upon expiration of the one-time seven-year open admission  
5 period, with respect to fifty percent (50%) of the nursing care  
6 beds, a life care community that has obtained a certificate of need  
7 pursuant to this section shall admit only the following persons to  
8 its nursing care beds:

9 a. an individual who has executed a written agreement for  
10 services with the facility and who has been a bona  
11 fide resident of the portion of the life care  
12 community for which a certificate of need bed is not  
13 required for a period of at least thirty (30) days,

14 b. an individual who has executed a written agreement for  
15 services with the facility and who has been a bona  
16 fide resident of the portion of the life care  
17 community for which a certificate of need bed is not  
18 required for a period of less than thirty (30) days  
19 and requires skilled care that was not originally  
20 contemplated upon admission to the life care  
21 community,

22 c. an individual who has executed a written agreement for  
23 services with the facility and whose physician  
24 certifies that the individual is likely to be able to

1 move to a portion of the life care community for which  
2 a certificate of need bed is not required in thirty  
3 (30) days or less after entering the life care  
4 community, or

5 d. an individual who is a family member (spouse, parent,  
6 child, sibling, aunt, uncle or first cousin by blood,  
7 marriage or adoption) of an individual who has  
8 executed a written agreement for services with the  
9 facility and resides in the portion of the life care  
10 community for which a certificate of need bed is not  
11 required.

12 C. The State Department of Health may approve a subsequent  
13 certificate of need for nursing care beds for a not-for-profit life  
14 care community that has obtained a certificate of need pursuant to  
15 this section when a subsequent application does not cause the  
16 nursing care beds to exceed twenty percent (20%) of the total number  
17 of units in the life care community for which no certificate of need  
18 is required. No open admission period shall be authorized for the  
19 additional nursing care beds.

20 D. The provisions of subsections B and C of this section shall  
21 apply to all certificates of need previously or hereafter granted  
22 pursuant to the provisions of this section.

23 SECTION 2. This act shall become effective November 1, 2014.

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