An Act

ENROLLED SENATE
BILL NO. 1455

By: Treat of the Senate

and

Denney and Pittman of the House

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

SUBJECT: Requirements for certificates of need for not-for-profit life care communities

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

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

Section 1-853.1. A. The investigation made pursuant to an application by a not-for-profit life care community for a 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;

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

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

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

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

2. Approval of the initial certificate of need shall include ~~authorization for an open admission period for not more than seven (7) years following the initial licensure of nursing care beds in the life care community. During the open admission period, the life care community may admit individuals who are not residents of the life care community to the nursing care beds~~ open admission with respect to fifty percent (50%) of the nursing care beds. With respect to the remaining nursing care beds, open admission shall only be allowed during the first seven (7) years following the initial licensure of nursing care beds in the life care community.

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

a. an individual who has executed a written agreement for services with the facility and who has been a bona fide resident of the portion of the life care

community for which a certificate of need bed is not required for a period of at least thirty (30) days,

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

c. an individual who has executed a written agreement for services with the facility and whose physician certifies that the individual is likely to be able to move to a portion of the life care community for which a certificate of need bed is not required in thirty (30) days or less after entering the life care community, or

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

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

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

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

Passed the Senate the 5th day of March, 2014.

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Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2014.

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Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20 _____, at _____ o'clock _____ M.

By: _____