

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1455

By: Halligan

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5
6 AS INTRODUCED

7 An Act relating to certificates of need; amending 63
8 O.S. 2011, Section 1-853.1, which relates to
9 applications by not-for-profit life care communities;
10 modifying certain requirements for life care
11 communities; removing limitations on admissions to
12 certain facilities; permitting certain open admission
13 period; and providing an effective date.

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

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

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

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

23 2. The record of the applicant's current and prior ownership,
24 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

1 Office, the state Medicaid Fraud Control Unit, and the state
2 licensure and certification agency;

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

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

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

14 2. Approval of the initial certificate of need shall include
15 authorization for an open admission period for not more than seven
16 (7) years following the initial licensure of nursing care beds in
17 the life care community. During the open admission period, the life
18 care community may admit individuals who are not residents of the
19 life care community to the nursing care beds.

20 3. Upon expiration of the one-time seven-year open admission
21 period, a fifty percent (50%) of the nursing beds for which the life
22 care community that has obtained a certificate of need pursuant to
23 this section shall admit only may continue to be open to individuals
24 who are not residents of the life care community. The remaining

1 fifty percent (50%) of the nursing beds for which the life care
2 community has obtained a certificate of need pursuant to this
3 section may only be open to the following persons ~~to its nursing~~
4 ~~care beds:~~

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

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

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

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

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

16 D. The provisions of paragraphs 1 and 2 of subsection B of this
17 section shall apply to the nursing home beds obtained pursuant to
18 any certificate of need.

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

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