

**SENATE FLOOR VERSION**

February 25, 2015

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 640

By: Treat of the Senate

and

Cox of the House

[ Oklahoma Medicaid Program - standards for certain  
payments - determination of eligibility - guidelines  
for determining medical necessity - quarterly  
redetermination of eligibility - codification -  
effective date ]

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 5028 of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A. The Oklahoma Health Care Authority shall make payments to  
nursing facilities pursuant to the state Medicaid plan for  
individuals who meet applicable financial requirements and are  
determined to require at least the following services and supports:

1. Skilled nursing services or rehabilitation therapy on a  
daily basis ordered by a physician for the treatment of one or more  
conditions of sufficient severity that the individual's needs exceed

1 the routine care that can be given by an untrained person and  
2 require the assessment, supervision, planning, and intervention of  
3 licensed nurses; or

4 2. Substantial or complete assistance in four or more  
5 activities of daily living or in any one of three critical  
6 activities of daily living that require twenty-four-hour staff  
7 availability, including toileting, positioning, and transferring; or

8 3. Twenty-four-hour supervision and assistance necessitated by  
9 severe or moderate cognitive impairment that places the individual  
10 at risk or presents a risk to others.

11 B. 1. The requirements of subsection A of this act shall also  
12 be adopted in determining initial and continued eligibility of aged  
13 and disabled individuals to receive Medicaid services under waivers  
14 approved by the Centers for Medicare and Medicaid Services pursuant  
15 to Section 1915(c) of the Social Security Act as an alternative to  
16 nursing facility admission.

17 2. Eligibility for home and community-based waiver services  
18 shall be extended to individuals who meet the requirements of  
19 subsection A and elect to receive waiver services and who are  
20 determined by the Authority to be at high risk for nursing home  
21 admission but for the expeditious provision of such services.

22 C. 1. In applying the requirements of subsection A to  
23 determine medical necessity for nursing facility services and home-  
24 and community-based waiver services, the Authority shall utilize the

1 Minimum Data Set 3.0 Resident Assessment Instrument (MDS-RAI) to  
2 assemble pertinent medical and functional information relative to  
3 individual applicant health status, medical needs, and cognitive and  
4 functional deficits.

5 2. Prior to implementing the medical necessity determination  
6 requirements of subsection A, the Authority shall obtain the advice  
7 of a technical expert panel and from essential stakeholders with  
8 respect to the most appropriate and efficient use of the MDS-RAI and  
9 an associated acuity scale and scoring mechanism.

10 3. Not later than January 1, 2016, the Authority shall retain  
11 the services of a qualified independent contractor organization to  
12 administer the requirements of this section.

13 D. Following an initial determination of medical necessity and  
14 commencement of nursing facility services or home- and community-  
15 based waiver services, the Authority shall provide for a  
16 redetermination of the recipient's need for continuation of services  
17 on a quarterly basis or upon a significant change in the recipient's  
18 condition.

19 E. The provisions of this act shall be implemented with respect  
20 to Medicaid-eligible individuals initially applying for nursing  
21 facility or home-based or community-based services on or after  
22 January 1, 2016.

23 F. The provisions of this act shall not apply to individuals  
24 with intellectual disabilities.

SECTION 2. This act shall become effective September 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
February 25, 2015 - DO PASS AS AMENDED