

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1013 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Carol Bush

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1013

By: Bush

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to long-term care; amending 56 O.S. 2011, Section 1017.1, which relates to the Oklahoma Choices for Long-Term Care Act; modifying applicability of act; defining term; providing for referrals to Program of All-Inclusive Care for the Elderly (PACE); requiring referral prior to any re-evaluation or renewal; mandating options counseling for person living outside of a PACE service area; establishing timeframe to complete care; establishing certain task force; providing purpose and membership of task force; prescribing monthly meetings; requiring formal recommendation within one year; permitting enrollment practices throughout the entirety of each month; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2011, Section 1017.1, is amended to read as follows:

Section 1017.1 A. ~~Sections 1 through 5 of this act~~ Sections 1017.1 through 1017.5 of this title and Section 2 of this act shall

1 be known and may be cited as the "Oklahoma Choices for Long-Term  
2 Care Act".

3 B. The purpose of the Oklahoma Choices for Long-Term Care Act  
4 is to make long-term services and supports for citizens easily  
5 accessible, cost-effective and of high quality and to provide a  
6 comprehensive and systematic approach to addressing these needs.  
7 The Oklahoma Choices for Long-Term Care Act shall provide older  
8 Oklahomans and adults with physical disabilities the opportunity to  
9 choose where they live and receive their services, and provide  
10 efficient administration of the ADvantage Waiver Program.

11 SECTION 2. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1017.6 of Title 56, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. As used in this section, "Program of All-Inclusive Care of  
15 the Elderly (PACE)" means a full-risk-bearing program that provides  
16 comprehensive health services for individuals age sixty-five (65)  
17 and older who are sufficiently frail to be categorized as nursing  
18 home eligible by the state's Medicaid program. PACE shall be  
19 reimbursed on a fixed per-member per-month rate, and, in return for  
20 the fixed payment, is responsible for providing all health services,  
21 including transportation.

22 B. 1. Beginning November 1, 2019, persons who are sixty-five  
23 (65) years of age or older and live within the defined service area  
24 of a PACE shall receive an automatic referral to the PACE

1 organization from the Department of Human Services prior to  
2 enrolling in any Long-Term Supports and Services (LTSS) programming  
3 outlined in the Oklahoma Choices for Long-Term Care Act.

4 2. Seniors who are being served by other LTSS programming  
5 before November 1, 2019, who are sixty-five (65) years of age or  
6 older and live within the defined service area of PACE shall be  
7 referred to the PACE organization prior to any re-evaluation or  
8 renewal of service period.

9 3. Persons, or their legal guardians or lay caregivers, who  
10 are sixty-five (65) years of age or older and do not live within the  
11 defined service area of PACE shall receive options counseling for  
12 long-term care as defined in Section 3002.7 of Title 56 of the  
13 Oklahoma Statutes prior to the admission of a long-term care  
14 facility, except in the case of an emergency admission. In the case  
15 of an emergency admission, the options counseling for long-term care  
16 shall take place within fourteen (14) days or as soon as is  
17 reasonably possible.

18 C. The PACE organization shall have sixty (60) calendar days  
19 from documented receipt of referral to complete the level of care  
20 and safety in the community determination.

21 D. 1. A task force shall be assembled to review the current  
22 LTSS assessment and evaluation process to determine the necessity of  
23 an improved assessment methodology.

24 2. The task force shall be comprised of:

- a. three members of the Oklahoma Health Care Authority Board selected by the Governor,
- b. three representatives of the Department of Human Services selected by the Director of the Department of Human Services,
- c. three representatives of providers of ADvantage Waiver Program services selected by the Department of Human Services,
- d. three representatives of PACE providers to be selected by the Oklahoma Health Care Authority,
- e. three representatives of providers of adult day care services selected by the Protective Health Services, Long-Term Care Service of the State Department of Health, and
- f. three representatives of the home care industry selected by the State Department of Health.

3. The task force shall meet monthly and provide a formal recommendation for continued evaluation methods and tools for LTSS within one (1) calendar year of the first task force meeting.

E. The PACE organization shall be permitted to engage in enrollment practices throughout the entirety of each month, to be effective the first day of the following month.

SECTION 3. This act shall become effective November 1, 2019.

57-1-7785 EK 02/06/19