

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB888 _____
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 ENGROSSED
SENATE BILL NO. 888

By: David of the Senate
and
Bush of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to Oklahoma Choices for Long-Term Care Act; amending 56 O.S. 2011, Section 1017.1, which relates to purpose of act; modifying applicability of act; defining term; providing for options counseling for certain persons; providing time frame for options counseling in cases of emergency admission; providing for referrals to Program of All-Inclusive Care for the Elderly (PACE); providing exception to options counseling; establishing certain task force; providing membership and purpose of task force; requiring monthly meetings and certain recommendation by certain date; permitting certain enrollment practices; 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 for
15 the Elderly (PACE)" means a full risk-bearing program that provides
16 comprehensive health services for individuals age sixty-five (65)
17 and over 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 such fixed payment, is responsible for providing all health
21 services, including transportation.

22 B. 1. Persons who are fifty-five (55) years of age or older,
23 or their legal guardians or lay caregivers, shall receive options
24 counseling for long-term care as defined in Section 3002.7 of Title

1 56 of the Oklahoma Statutes prior to the admission of a long-term
2 care facility, except in the case of an emergency admission.
3 Options counseling shall include, but not be limited to, PACE, if so
4 applicable, nursing facilities and home- and community-based
5 services.

6 2. In the case of an emergency admission, the options
7 counseling for long-term care shall take place within fourteen (14)
8 days or as soon as is reasonably possible.

9 3. Persons who are fifty-five (55) years of age or older and
10 live within the defined service area of a PACE provider shall
11 receive information regarding PACE as part of options counseling for
12 long-term care as defined in Section 3002.7 of Title 56 of the
13 Oklahoma Statutes.

14 4. Any person currently residing in a nursing facility shall be
15 able to receive options counseling for long-term care as defined in
16 Section 3002.7 of Title 56 of the Oklahoma Statutes at the person's,
17 or their legal guardian's or lay caregiver's, request or at the time
18 of any reevaluation or renewal of long-term care. Nothing in this
19 section shall require any person currently residing in a nursing
20 facility to receive options counseling if they do not desire to do
21 so.

22 C. 1. A task force shall be assembled to review the current
23 long-term service and supports (LTSS) assessment and evaluation
24

1 process to determine the necessity of an improved assessment
2 methodology.

3 2. The task force shall be comprised of:

- 4 a. three members of the Oklahoma Health Care Authority
5 Board selected by the Governor,
- 6 b. three representatives of the Department of Human
7 Services selected by the Director of the Department of
8 Human Services,
- 9 c. three representatives of providers of ADvantage Waiver
10 services selected by the Department of Human Services,
- 11 d. three representatives of PACE providers to be selected
12 by the Oklahoma Health Care Authority,
- 13 e. three representatives of providers of adult day care
14 services selected by the Protective Health Services,
15 Long-Term Care Division of the State Department of
16 Health, and
- 17 f. three representatives of the home care industry
18 selected by the State Department of Health.

19 3. The task force shall meet monthly and provide a formal
20 recommendation to the Governor, the President Pro Tempore of the
21 Senate and the Speaker of the House of Representatives for continued
22 evaluation methods and tools for LTSS within one (1) calendar year
23 of the first task force meeting.
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1 D. A PACE organization shall be permitted to engage in
2 enrollment practices throughout the entirety of each month, to be
3 effective the first day of the following month.

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

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6 57-1-8691 SH 04/08/19
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