

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 888

By: David of the Senate

and

Bush of the House

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 referrals to Program of All-Inclusive Care for the Elderly (PACE); establishing timeframe to complete care; 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 be known and may be cited as the "Oklahoma Choices for Long-Term Care Act".

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

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

12 A. As used in this section, "Program of All-Inclusive Care for
13 the Elderly (PACE)" means a full risk-bearing program that provides
14 comprehensive health services for individuals age fifty-five (55)
15 and over who are sufficiently frail to be categorized as nursing
16 home eligible by the state's Medicaid program. PACE shall be
17 reimbursed on a fixed per-member per-month rate and, in return for
18 such fixed payment, is responsible for providing all health
19 services, including transportation.

20 B. 1. Persons who are fifty-five (55) years of age or older,
21 or their legal guardians or lay caregivers, shall receive options
22 counseling for long-term care as defined in Section 3002.7 of Title
23 56 of the Oklahoma Statutes prior to the admission of a long-term
24 care facility, except in the case of an emergency admission.

1 Options counseling shall include, but not be limited to, PACE, if so
2 applicable, nursing facilities and home- and community-based
3 services.

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

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

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

20 C. 1. A task force shall be assembled to review the current
21 long-term service and supports (LTSS) assessment and evaluation
22 process to determine the necessity of an improved assessment
23 methodology.

24 2. The task force shall be comprised of:

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

3. The task force shall meet monthly and provide a formal recommendation to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives for continued evaluation methods and tools for LTSS within one (1) calendar year of the first task force meeting.

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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