

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 888

By: David of the Senate

and

Bush of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to Oklahoma Choices for Long-Term
12 Care Act; amending 56 O.S. 2011, Section 1017.1,
13 which relates to purpose of act; modifying
14 applicability of act; defining term; providing for
15 referrals to Program of All-Inclusive Care for the
16 Elderly (PACE); establishing timeframe to complete
17 care; establishing certain task force; providing
18 membership and purpose of task force; requiring
19 monthly meetings and certain recommendation by
20 certain date; permitting certain enrollment
21 practices; providing for codification; and providing
22 an effective date.

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

24 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 fifty-five (55)
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
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1 process to determine the necessity of an improved assessment
2 methodology.

3 2. The task force shall be comprised of:

- 4 a. two members of the Oklahoma Health Care Authority
5 Board selected by the Governor,
- 6 b. two representatives of the Department of Human
7 Services selected by the Director of the Department of
8 Human Services,
- 9 c. two representatives of providers of ADvantage Waiver
10 services selected by the Department of Human Services,
- 11 d. two representatives of PACE providers to be selected
12 by the Oklahoma Health Care Authority,
- 13 e. two 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,
- 17 f. two representatives of the home care industry selected
18 by the State Department of Health, and
- 19 g. two representatives of the long-term care industry
20 selected by the State Department of Health.

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

3 D. A PACE organization shall be permitted to engage in
4 enrollment practices throughout the entirety of each month, to be
5 effective the first day of the following month.

6 SECTION 3. This act shall become effective November 1, 2019.
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8 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM
9 CARE, dated 04/11/2019 - DO PASS, As Amended.
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