

1 ENGROSSED HOUSE
2 BILL NO. 1677

By: Stark, Bashore, Dills,
Dobrinski, Davis, Fetgatter
and Manger of the House

3
4 and

5 Weaver of the Senate
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7 An Act relating to long-term care; providing for
8 designation of compassionate caregivers for long-term
9 care facility and assisted living residents;
10 requiring access to residents by certain people;
11 providing precautions that may be taken in certain
12 situations; allowing revocation of compassionate
13 caregiver status under certain circumstances;
14 prohibiting elimination of visitation; providing for
15 codification; and declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-1943.2 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 A. Every long-term care facility and assisted living facility
21 shall allow each resident to designate one or more compassionate
22 caregivers. Compassionate caregivers may be family members,
23 friends, volunteers, or other individuals identified by a resident,
24 the resident's family, or facility staff, who assist residents with
activities of daily living, such as bathing, dressing, and eating,
or who provide emotional, mental, or spiritual support to residents.

1 B. Every long-term care facility and assisted living facility
2 shall provide immediate access to a resident by immediate family
3 members, other relatives of the resident, or his or her
4 compassionate caregivers, subject to the resident's or his or her
5 legally appointed representative's right to deny or withdraw consent
6 at any time.

7 C. If the State Department of Health determines that visitation
8 in long-term care facilities and assisted living facilities should
9 be modified or restricted to protect the health and safety of
10 residents and staff, then each facility may take precautions to
11 protect the health and safety of staff and residents while ensuring
12 ongoing access to residents by their designated compassionate
13 caregivers. Such precautions may include the following:

14 1. Requiring compassionate caregivers to wear surgical masks
15 and other personal protective equipment provided by the facility;

16 2. Requiring compassionate caregivers to undergo testing for
17 highly communicable viral infections, but only if that testing is
18 paid for by the facility;

19 3. Requiring compassionate caregivers to maintain a social
20 distance of at least six (6) feet from staff and any resident for
21 whom the compassionate caregiver is not specifically designated as
22 such;

23 4. Requiring compassionate caregivers to sanitize their hands
24 and have their temperature taken upon entering the facility; and

1 5. Any other precautions deemed necessary by the State
2 Department of Health to protect the health and safety of residents
3 and staff.

4 D. Compassionate caregivers may only have their status revoked
5 if they refuse to comply with reasonable precautions permitted by
6 subsection C of this section. In no case shall the State Department
7 of Health, any county health department, any city-county health
8 department, or any long-term care facility or assisted living
9 facility eliminate visitation altogether or restrict visitation
10 beyond the provisions of this section.

11 SECTION 2. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 Passed the House of Representatives the 1st day of March, 2021.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2021.

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Presiding Officer of the Senate

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