

An Act

ENROLLED HOUSE
BILL NO. 2566

By: Caldwell (Chad), Davis,
West (Tammy), Stark,
Conley, Dills, Boles, Lepak
and Russ of the House

and

McCortney and Bergstrom of
the Senate

An Act relating to long-term care; providing for visitation of residents in long-term care facilities; defining term; providing for health care provider access to residents of long-term care facilities; requiring long-term care facilities to submit and make available certain procedures; allowing restrictions by the State Department of Health or Centers for Medicare and Medicaid Services; prohibiting unilateral elimination of visitation; allowing for temporary suspension of visitation in certain circumstances; providing for codification; and declaring an emergency.

SUBJECT: Long-term care

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1919.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Except as provided by Section 10-111 of Title 43A of the Oklahoma Statutes, every long-term care facility, as defined in Section 1-1945 of Title 63 of the Oklahoma Statutes, must provide reasonable access to a resident by immediate family, compassionate caregivers, other relatives of the resident, essential support

persons, and the Oklahoma Long-Term Care Ombudsman subject to the resident's or, if they are incapacitated, their legally appointed representative's right to deny or withdraw consent at any time. Compassionate caregivers may be family members, friends, volunteers, or other individuals identified by a resident, 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.

B. Every long-term care facility must provide reasonable access to a resident by health care providers who are contracted with the facility to provide such care, subject to the resident's right to deny or withdraw consent at any time.

C. Long-term care facilities shall include and submit to the State Department of Health in their emergency-preparedness plan procedures for visitation during an emergency. The visitation plan shall be made available by the facility to contracted health care providers, family members, essential support persons, and compassionate caregivers upon request. Visitation and access described in subsections A and B of this section may be subject to reasonable clinical and safety restrictions as ordered by the State Department of Health or the Centers for Medicare and Medicaid Services.

D. No long-term care facility shall unilaterally eliminate visitation for any reason; however, a facility may temporarily suspend visitation for a period not to exceed seventy-two (72) hours based upon the emergency-preparedness plan provided to the State Department of Health.

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

Passed the House of Representatives the 9th day of March, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____