

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1677

By: Stark

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8 COMMITTEE SUBSTITUTE

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

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

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

24 A. Every long-term care facility and assisted living facility
shall allow each resident to designate one or more compassionate
caregivers. 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

1 activities of daily living, such as bathing, dressing, and eating,
2 or who provide emotional, mental, or spiritual support to residents.

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

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

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

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

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

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

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

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM
19 CARE, dated 02/18/2021 - DO PASS, As Amended.
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