

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1879

By: West (Tammy)

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5  
6 AS INTRODUCED

7 An Act relating to public health; amending 63 O.S.  
8 2011, Section 1-890.8, as amended by Section 1,  
9 Chapter 248, O.S.L. 2013 (63 O.S. Supp. 2020, Section  
10 1-890.8), which relates to home care, nursing,  
11 hospice and private services; allowing for multiple  
12 designated representatives of residents in certain  
13 situations; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-890.8, as  
16 amended by Section 1, Chapter 248, O.S.L. 2013 (63 O.S. Supp. 2020,  
17 Section 1-890.8), is amended to read as follows:

18 Section 1-890.8. A. Residents of an assisted living center may  
19 receive home care services and intermittent, periodic, or recurrent  
20 nursing care through a home care agency under the provisions of the  
21 Home Care Act.

22 B. Residents of an assisted living center may receive hospice  
23 home services under the provisions of the Oklahoma Hospice Licensing  
24 Act.

1 C. Nothing in the foregoing provisions shall be construed to  
2 prohibit any resident of an assisted living center from receiving  
3 such services from any person who is exempt from the provisions of  
4 the Home Care Act.

5 D. The assisted living center shall monitor and assure the  
6 delivery of those services. All nursing services shall be in  
7 accordance with the written orders of the personal or attending  
8 physician of the resident.

9 E. A resident of an assisted living center or the family or  
10 legal representative of the resident shall be required to disclose  
11 any third-party provider of medical services or supplies prior to  
12 service delivery.

13 F. Any third-party provider of medical services or supplies  
14 shall comply with the provisions of subsection D of this section.

15 G. Notwithstanding the foregoing provisions, a resident of an  
16 assisted living center, or the family or legal representative of the  
17 resident, may privately contract or arrange for private nursing  
18 services under the orders and supervision of the personal or  
19 attending physician of the resident, private monitoring, private  
20 sitters or companions, personal domestic servants, or personal  
21 staff.

22 H. If a resident of an assisted living center develops a  
23 disability or a condition that is consistent with the facility's  
24 discharge criteria:

1           1. The personal or attending physician of a resident, a  
2 representative of the assisted living center, and the resident or  
3 the designated representative or representatives of the resident  
4 shall determine by and through a consensus of the foregoing persons  
5 any reasonable and necessary accommodations, in accordance with the  
6 current building codes, the rules of the State Fire Marshal, and the  
7 requirements of the local fire jurisdiction, and additional services  
8 required to permit the resident to remain in place in the assisted  
9 living center as the least restrictive environment and with privacy  
10 and dignity;

11           2. All accommodations or additional services shall be described  
12 in a written plan of accommodation, signed by the personal or  
13 attending physician of the resident, a representative of the  
14 assisted living center and the resident or the designated  
15 representative of the resident;

16           3. The person or persons responsible for performing, monitoring  
17 and assuring compliance with the plan of accommodation shall be  
18 expressly specified in the plan of accommodation and shall include  
19 the assisted living center and any of the following:

- 20           a. the personal or attending physician of the resident,
- 21           b. a home care agency,
- 22           c. a hospice, or
- 23           d. other designated persons.

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1 The plan of accommodation shall be reviewed at least quarterly  
2 by a licensed health care professional;

3 4. If the parties identified in paragraph 1 of this subsection  
4 fail to reach a consensus on a plan of accommodation, the assisted  
5 living center shall give written notice to the resident, the legal  
6 representative or the resident or such persons as are designated in  
7 the resident's contract with the assisted living center, of the  
8 termination of the residency of the resident in the assisted living  
9 center in accordance with the provisions of the resident's contract  
10 with the assisted living center. Such notice shall not be less than  
11 thirty (30) calendar days prior to the date of termination, unless  
12 the assisted living center or the personal or attending physician of  
13 the resident determines the resident is in imminent peril or the  
14 continued residency of the resident places other persons at risk of  
15 imminent harm;

16 5. If any party identified in paragraph 1 of this subsection  
17 determines that the plan of accommodation is not being met, such  
18 party shall notify the other parties and a meeting shall be held  
19 between the parties within ten (10) business days to re-evaluate the  
20 plan of accommodation; and

21 6. Any resident aggrieved by a decision to terminate residency  
22 may seek injunctive relief in the district court of the county in  
23 which the assisted living center is located. Such action shall be  
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1 filed no later than ten (10) days after the receipt of the written  
2 notice of termination.

3 I. Nothing in this section shall be construed to abrogate an  
4 assisted living center's responsibility to provide care for and  
5 oversight of a resident.

6 SECTION 2. This act shall become effective November 1, 2021.

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8 58-1-5985 AB 12/07/20

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