

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1677

By: Stark

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5
6 AS INTRODUCED

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 right to deny or
5 withdraw consent at any time.

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

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

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

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

22 4. Requiring compassionate caregivers to sanitize their hands
23 and have their temperature taken upon entering the facility; and
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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 any long-term care
7 facility or assisted living facility eliminate visitation altogether
8 or restrict visitation beyond the provisions of this section.

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

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14 58-1-5731 AB 01/12/21

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