

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3710

By: Bush

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5
6 AS INTRODUCED

7 An Act relating to the Program of All-Inclusive Care
8 for the Elderly (PACE); amending 63 O.S. 2021,
9 Sections 1-872 and 1-1961, which relate to
10 definitions; modifying terms; and providing an
11 effective date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-872, is
14 amended to read as follows:

15 Section 1-872. As used in the Adult Day Care Act:

16 1. "Adult day care center" or "center" means a facility which
17 provides basic day care services to unrelated impaired adults for
18 more than four (4) hours in a twenty-four-hour period. A center
19 shall be a distinct entity, either freestanding or a separate
20 program of a larger organization. A center shall have a separately
21 verifiable staff, space, budget and participant record system. The
22 terms "adult day care center" or "center" may include providers of
23 Program of All-Inclusive Care for the Elderly (PACE) services as
24 determined by the State Department of Health. The terms "adult day

1 care center" or "center" shall not include retirement centers and
2 senior citizen centers;

3 2. "Basic day care services" means supervised health, social
4 supportive, and recreational services in a structured daytime
5 program which serves functionally impaired adults who continue to
6 live in their own homes, usually with the aid of family ~~care-givers~~
7 caregivers;

8 3. "Department" means the State Department of Health; and

9 4. "Participant" means any person attending an adult day care
10 center.

11 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1961, is
12 amended to read as follows:

13 Section 1-1961. As used in the Home Care Act:

14 1. "Board" means the State Board of Health;

15 2. "Certification" means verification of appropriate training
16 and competence established by the State Commissioner of Health by
17 rules promulgated pursuant to the Home Care Act for home health
18 aides and home care agency administrators;

19 3. "Department" means the State Department of Health;

20 4. "~~Healthcare~~ Health care provider" means a physician,
21 physician assistant or Advanced Practice Registered Nurse recognized
22 by the Oklahoma Board of Nursing as a Certified Nurse Practitioner
23 or a Clinical Nurse Specialist;

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1 5. "Home care agency" means any sole proprietorship,
2 partnership, association, corporation or other organization which
3 administers, offers or provides home care services, for a fee or
4 pursuant to a contract for such services, to clients in their place
5 of residence. The term "home care agency" shall not include:

6 a. individuals who contract with the Department of Human
7 Services to provide personal care services, provided
8 such individuals shall not be exempt from
9 certification as home health aides,

10 b. organizations that contract with the Oklahoma Health
11 Care Authority as Intermediary Services Organizations
12 (ISO) to provide federal Internal Revenue Service
13 fiscal and supportive services to Consumer-Directed
14 Personal Assistance Supports and Services (CD-PASS)
15 waiver program participants who have employer
16 responsibility for hiring, training, directing and
17 managing an individual personal care attendant, ~~or~~

18 c. CD-PASS waiver program employer participants, or
19 d. providers of Program of All-Inclusive Care for the
20 Elderly (PACE) services;

21 6. "Home care services" means skilled or personal care services
22 provided to clients in their place of residence for a fee;
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1 7. "Home health aide" means an individual who provides personal
2 care to clients in their temporary or permanent place of residence
3 for a fee;

4 8. "Home care agency administrator" means a person who
5 operates, manages, or supervises, or is in charge of a home care
6 agency;

7 9. "Personal care" means assistance with dressing, bathing,
8 ambulation, exercise or other personal needs;

9 10. "Skilled care" means home care services performed on a
10 regular basis by a trained respiratory therapist/technician or by a
11 person currently licensed by this state including but not limited to
12 a Licensed Practical Nurse, Registered Nurse, physical therapist,
13 occupational therapist, speech therapist, or social worker;

14 11. "Standby assistance" means supervision of client-directed
15 activities with verbal prompting and infrequent, incidental hands-on
16 intervention only; and

17 12. "Supportive home assistant" means an individual employed by
18 a home care agency who provides standby assistance to ambulatory
19 clients, in conjunction with other companionship or homemaker
20 services, in the temporary or permanent place of residence of the
21 client for a fee.

22 SECTION 3. This act shall become effective November 1, 2022.

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24 58-2-9016 KN 01/03/22