

1 ENGROSSED SENATE
2 BILL NO. 243

By: Daniels of the Senate

3 and

4 Boatman of the House

5
6 An Act relating to long-term care; amending 63 O.S.
7 2021, Section 1-851.1, which relates to definitions
8 used in the Long-term Care Certificate of Need Act;
9 providing exception; repealing 63 O.S. 2021, Sections
10 1-880.1, 1-880.2, 1-880.3, 1-880.4, 1-880.5, 1-880.6,
11 as amended by Section 1, Chapter 98, O.S.L. 2022, 1-
12 880.7, 1-880.8, 1-880.9, 1-880.10, and 1-880.11 (63
13 O.S. Supp. 2023, Section 1-880.6), which relate to
14 certificate of need for psychiatric or chemical
15 dependency facility; and providing an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-851.1, is
18 amended to read as follows:

19 Section 1-851.1. For purposes of the Long-term Care Certificate
20 of Need Act:

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

22 2. "Commissioner" means the State Commissioner of Health;

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

24 4. "Long-term care facility" means:

a. a nursing facility or a specialized facility, as such
terms are defined by Section 1-1902 of this title,
except that a specialized facility shall not include

1 an intermediate care facility for individuals with
2 intellectual disabilities,

3 b. skilled nursing care provided in a distinct part of a
4 hospital as such term is defined by Section 1-701 of
5 this title,

6 c. the nursing care component of a continuum of care
7 facility, as such term is defined under the Continuum
8 of Care and Assisted Living Act, or

9 d. the nursing care component of a life care community as
10 such term is defined by the ~~Long-term~~ Long-Term Care
11 Insurance Act;

12 5. "Disclosure statement" means a written statement by the
13 applicant which contains:

14 a. the full name, business address, and Social Security
15 number of the applicant, and all persons with
16 controlling interest as defined by the Long-term Care
17 Certificate of Need Act,

18 b. the full name and address of any legal entity in which
19 the applicant holds a debt or equity interest of at
20 least five percent (5%), or which is a parent company
21 or subsidiary of the applicant,

22 c. a description of the experience and credentials of the
23 applicant, including any past or present permits,
24 licenses, certifications, or operational

1 authorizations relating to long-term care facility
2 regulation,

- 3 d. a listing and explanation of any administrative, civil
4 or criminal legal actions against the applicant or any
5 person with a controlling interest which resulted in a
6 final agency order or final judgment by a court of
7 record including, but not limited to, final orders or
8 judgments on appeal related to long-term care in the
9 five (5) years immediately preceding the filing of the
10 application. Such actions shall include, without
11 limitation, any permit denial or any sanction imposed
12 by a state regulatory authority or the Centers for
13 Medicare and Medicaid Services, and
- 14 e. a listing of any federal long-term care agency and any
15 state long-term care agency outside this state that
16 has or has had regulatory responsibility over the
17 applicant;

18 6. "History of noncompliance" means three standard or complaint
19 surveys found to be at the substandard quality of care level when
20 the facility does not achieve compliance by date certain in a
21 nursing facility or specialized facility for persons with
22 Alzheimer's disease or related disorders. Additionally, "history of
23 noncompliance" for an intermediate care or specialized facility for
24 persons with intellectual disabilities means three consecutive

1 routine or complaint surveys that resulted in determinations that
2 the facility was out of compliance with two or more Conditions of
3 Participation in the Medicaid program within the preceding thirty-
4 six (36) months when the facility does not achieve compliance within
5 sixty (60) days;

6 7. "Person" means any individual, corporation, industry, firm,
7 partnership, association, venture, trust, institution, federal,
8 state or local governmental instrumentality, agency or body or any
9 other legal entity however organized; and

10 8. "Person with a controlling interest" means a person who
11 meets any one or more of the following requirements:

12 a. controls fifty percent (50%) or more of the common
13 stock of the corporate entity involved or controls
14 fifty percent (50%) or more of the interest in the
15 partnership involved,

16 b. controls a percentage of stock greater than any other
17 stockholder or equal to the other single largest
18 stockholder or controls a percentage of partnership
19 interest greater than any other partner or equal to
20 the other single largest partnership interest, or

21 c. a managing member of a Limited Liability Company
22 (LLC).

23 SECTION 2. REPEALER 63 O.S. 2021, Sections 1-880.1, 1-
24 880.2, 1-880.3, 1-880.4, 1-880.5, 1-880.6, as amended by Section 1,

1 Chapter 98, O.S.L. 2022, 1-880.7, 1-880.8, 1-880.9, 1-880.10, and 1-
2 880.11 (63 O.S. Supp. 2023, Section 1-880.6), are hereby repealed.

3 SECTION 3. This act shall become effective November 1, 2024.

4 Passed the Senate the 7th day of March, 2024.

5

6

Presiding Officer of the Senate

7

8 Passed the House of Representatives the ____ day of _____,
9 2024.

10

11

Presiding Officer of the House
of Representatives

12

13

14

15

16

17

18

19

20

21

22

23

24