

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT


No. 2

☐ COMMITTEE AMENDMENT

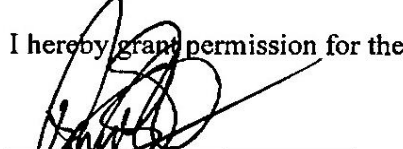
(Date)

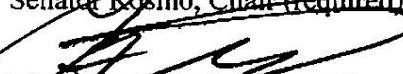
I move to amend Senate Bill No. 1419, by substituting the attached floor substitute (Request #3630) for the title, enacting clause and entire body of the measure.


Submitted by:


Senator Gollihare

I hereby grant permission for the floor substitute to be adopted.

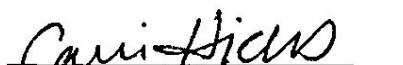

Senator Robino, Chair (required)


Senator Haste



Senator Daniels



Senator Gollihare



Senator Hall



Senator Hicks

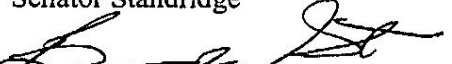

Senator Treat, President Pro Tempore



Senator Pemberton



Senator Prieto


Senator Pugh


Senator Standridge



Senator Stanley


Senator Young


Senator McCortney, Majority Floor Leader

Note: Health and Human Services committee majority requires six (7) members' signatures.

I hereby grant permission for the floor substitute to be adopted.


Senator Thompson (Roger)
Appropriations Committee Chair

Gollihare-DC-FS-SB1419
3/7/2024 1:12 PM

(Floor Amendments Only)

Date and Time Filed: 3-7-24 2:15 pm jd

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1419

By: Gollihare of the Senate

and

Boatman of the House

FLOOR SUBSTITUTE

[state Medicaid program - program - standards -
reimbursement - rules - application - Home Care Act -
codification - effective date -
emergency]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 5013.2 of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Family member" means a child, parent, parent-in-law,
sibling, grandparent, grandchild, spouse, or any other individual
related by blood, and any other individual with a close association
that is the equivalent of a family relationship; and

2. "Home care agency" and "skilled care" have the same meanings
as provided by Section 1-1961 of Title 63 of the Oklahoma Statutes.

1 B. Not later than one year after the effective date of this act
2 and subject to receipt of federal approval for the program, the
3 Oklahoma Health Care Authority shall establish a program under which
4 a family member of a Medicaid enrollee may be recognized as a family
5 caregiver and, after receiving such recognition, may, under the
6 direction and supervision of a Registered Nurse, provide services to
7 the enrollee through a licensed home care agency under the
8 reimbursement rates established under subsection F of this section,
9 provided that the enrollee qualifies for such services under the
10 state Medicaid program.

11 C. 1. The program established under this section shall require
12 the family caregiver to fulfill such requirements or meet such
13 qualifications as may be prescribed by the Oklahoma Health Care
14 Authority Board. Such requirements shall include, but not be
15 limited to, completion of a criminal history background check.

16 2. The Board may prescribe standards for training, competency
17 evaluation, and such other requirements or qualification criteria as
18 the Board deems necessary and appropriate.

19 D. The Board shall establish scope of practice standards and
20 restrictions for services that a recognized family caregiver may
21 provide to a Medicaid enrollee. The scope of practice may include
22 necessary and appropriate skilled care tasks. In establishing such
23 standards and restrictions, the Board shall consider the advice of
24 the State Department of Health.

1 E. It shall be the duty of the home care agency to ensure that
2 a recognized family caregiver meets the qualifications and
3 requirements prescribed by this section and rules promulgated by the
4 Board.

5 F. Reimbursable services provided by a recognized family
6 caregiver under the program established under this section shall be
7 reimbursed to a home care agency at a rate established by the
8 Authority.

9 G. 1. The Board shall promulgate rules as necessary to
10 implement this section.

11 2. The Administrator of the Authority shall apply for such
12 state plan amendments or waivers as may be necessary to implement
13 this section and to secure federal financial participation for state
14 Medicaid expenditures under the federal Medicaid program.

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

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

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

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

23 3. "Department" means the State Department of Health;
24

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

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

- 11 a. individuals who contract with the Department of Human
12 Services to provide personal care services, provided
13 such individuals shall not be exempt from
14 certification as home health aides,
- 15 b. organizations that contract with the Oklahoma Health
16 Care Authority as Intermediary Services Organizations
17 (ISO) to provide federal Internal Revenue Service
18 fiscal and supportive services to Consumer-Directed
19 Personal Assistance ~~Supports and Services~~ and Supports
20 (CD-PASS) waiver program participants who have
21 employer responsibility for hiring, training,
22 directing and managing an individual personal care
23 attendant, or
- 24 c. CD-PASS waiver program employer participants;

1 6. "Home care services" means skilled or personal care services
2 provided to clients in their place of residence for a fee;

3 7. "Home health aide" means an individual who provides personal
4 care to clients in their temporary or permanent place of residence
5 for a fee;

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

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

11 10. "Skilled care" means home care services performed on a
12 regular basis by:

13 a. a trained ~~Respiratory Therapist/Technician~~ or by
14 respiratory therapist/technician,

15 b. a person currently licensed by this state including
16 but not limited to a Licensed Practical Nurse,
17 Registered Nurse, ~~Physical Therapist~~ physical
18 therapist, Occupational Therapist occupational
19 therapist, Speech Therapist speech therapist, or
20 ~~Social Worker~~ social worker, or

21 c. for the exclusive purpose of the program established
22 under Section 1 of this act and subject to the scope
23 of practice standards and restrictions established by
24 the Authority under such section, a family member of a

1 Medicaid enrollee who is recognized by the Authority
2 as a family caregiver;

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

6 12. "Supportive home assistant" means an individual employed by
7 a home care agency who provides standby assistance to ambulatory
8 clients, in conjunction with other companionship or homemaker
9 services, in the temporary or permanent place of residence of the
10 client for a fee.

11 SECTION 3. This act shall become effective July 1, 2024.

12 SECTION 4. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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17 59-2-3630 DC 3/7/2024 3:49:18 PM
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