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By: Gollihare of the Senate

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

4        3. "Member" and "enrollee" mean a person under the age of  
5 twenty-one (21) who is currently eligible for SoonerCare and  
6 approved to receive private duty nursing hours or paid family  
7 caregiver benefits in lieu of private duty nursing services.

8        B. Not later than one (1) year after the effective date of this  
9 act and subject to receipt of federal approval for the program, the  
10 Oklahoma Health Care Authority shall establish a program under which  
11 a family member of a Medicaid enrollee may be recognized as a family  
12 caregiver and, after receiving such recognition, may, under the  
13 direction and supervision of a registered nurse, provide services to  
14 the enrollee through a licensed home care agency under the  
15 reimbursement rates established under subsection F of this section,  
16 provided that the enrollee qualifies for such services under the  
17 state Medicaid program.

18        C. 1. The program established under this section shall require  
19 the family caregiver to fulfill such requirements or meet such  
20 qualifications as may be prescribed by the Oklahoma Health Care  
21 Authority Board. Such requirements shall include, but not be  
22 limited to, completion of a criminal history background check.  
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1        2. The Board may prescribe standards for training, competency  
2 evaluation, and such other requirements or qualification criteria as  
3 the Board deems necessary and appropriate.

4        D. The Board shall establish scope of practice standards and  
5 restrictions for services that a recognized family caregiver may  
6 provide to a Medicaid enrollee. The scope of practice may include  
7 necessary and appropriate skilled care tasks. In establishing such  
8 standards and restrictions, the Board shall consider the advice of  
9 the State Department of Health.

10       E. It shall be the duty of the home care agency to ensure that  
11 a recognized family caregiver meets the qualifications and  
12 requirements prescribed by this section and rules promulgated by the  
13 Board.

14       F. Reimbursable services provided by a recognized family  
15 caregiver under the program established under this section shall be  
16 reimbursed to a home care agency at a rate established by the  
17 Authority.

18       G. 1. The Board shall promulgate rules as necessary to  
19 implement this section.

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

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

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

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

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

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

10      4. "~~Healthcare~~ Health care provider" means a physician,  
11 physician assistant or Advanced Practice Registered Nurse recognized  
12 by the Oklahoma Board of Nursing as a ~~Certified Nurse Practitioner~~  
13 certified nurse practitioner or a ~~Clinical Nurse Specialist~~ clinical  
14 nurse specialist;

15      5. "Home care agency" means any sole proprietorship,  
16 partnership, association, corporation or other organization which  
17 administers, offers or provides home care services, for a fee or  
18 pursuant to a contract for such services, to clients in their place  
19 of residence. The term "~~home care agency~~" home care agency shall  
20 not include:

21           a. individuals who contract with the Department of Human  
22 Services to provide personal care services, provided  
23 such individuals shall not be exempt from  
24 certification as home health aides,

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

c. CD-PASS waiver program employer participants;

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

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

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

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

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

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

b. a person currently licensed by this state including but not limited to a ~~Licensed Practical Nurse~~ licensed practical nurse, ~~Registered Nurse~~ registered nurse, ~~Physical Therapist~~ physical therapist, ~~Occupational Therapist~~ occupational therapist, ~~Speech Therapist~~ speech therapist, or ~~Social Worker~~ social worker, or

c. for the exclusive purpose of the program established under Section 1 of this act and subject to the scope of practice standards and restrictions established by the Authority under Section 1 of this act, a family member of a Medicaid enrollee who is recognized by the Authority as a family caregiver;

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

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

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

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.  
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4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
5 04/11/2024 - DO PASS, As Amended.  
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