

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 571

By: Montgomery of the Senate

and

Roe of the House

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8
9 An Act relating to long-term care; amending 63 O.S.
10 2021, Section 1-1923, which relates to the Long-Term
11 Care Facility Advisory Board; changing name;
12 extending termination date of Long-Term Care Facility
13 Advisory Council; decreasing and modifying
14 membership; fixing appointment lengths; permitting
15 limited reappointment; modifying terminology;
16 modifying and removing powers and duties; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1923, is
20 amended to read as follows:

21 Section 1-1923. A. There is hereby re-created, to continue
22 until ~~July 1, 2023~~ July 1, 2025, in accordance with the provisions
23 of the Oklahoma Sunset Law, a Long-Term Care Facility Advisory ~~Board~~
24 Council which shall be composed as follows:

1. The Governor shall appoint a ~~twenty-seven-member~~ thirteen-
member Long-Term Care Facility Advisory ~~Board~~ Council which shall

1 advise the State Commissioner of Health. The Advisory ~~Board~~ Council
2 shall be comprised of the following persons:

3 a. ~~one representative from the Office of the State Fire~~
4 ~~Marshal, designated by the State Fire Marshal,~~

5 ~~b.~~ one representative from the Oklahoma Health Care
6 Authority, designated by the Administrator,

7 ~~e.~~ b. one representative from the Department of Mental
8 Health and Substance Abuse Services, designated by the
9 Commissioner of Mental Health and Substance Abuse
10 Services,

11 ~~d.~~ c. one representative from the Department of Human
12 Services, designated by the Director of Human
13 Services,

14 ~~e.~~ d. one member who shall be a licensed general
15 practitioner of the medical or osteopathic profession,

16 ~~f.~~ ~~one member who shall be a general practitioner of the~~
17 ~~osteopathic profession,~~

18 ~~g.~~ e. one member who shall be a registered pharmacist,

19 ~~h.~~ f. one member who shall be a licensed registered nurse
20 or licensed practical nurse,

21 ~~i.~~ ~~one member who shall be a licensed practical nurse,~~

22 ~~j.~~ ~~three members who shall be of reputable and~~
23 ~~responsible character and sound physical and mental~~
24 ~~health and~~

1 g. one member who shall be ~~operator-administrators~~ an
2 operator-administrator of a nursing homes which have
3 ~~current licenses~~ home which has a current license
4 issued pursuant to the Nursing Home Care Act and who
5 shall have had five (5) years' experience in the
6 nursing home profession as ~~operator-administrators~~ an
7 operator-administrator,

8 ~~k. three members~~

9 h. one member who shall be an operator-administrator of a
10 residential care home ~~operator-administrators~~ licensed
11 pursuant to the provisions of the Residential Care
12 Act,

13 ~~l. three members~~

14 i. one member who shall be an owner-operator of an adult
15 day care facility ~~owner-operators~~ licensed pursuant to
16 the provisions of the Adult Day Care Act,

17 ~~m. three members~~

18 j. one member who shall be an owner-operator of a
19 continuum of care facility or assisted living center
20 ~~owner-operators~~ licensed pursuant to the provisions of
21 the Continuum of Care and Assisted Living Act, ~~and~~

22 ~~n. six~~

1 k. two members who shall be over the age of sixty-five
2 (65) who shall represent the general public and have
3 no long-term care professional work history, and

4 l. one member who shall be over the age of sixty-five
5 (65) who shall represent the general public and who
6 advocates for individuals receiving long-term care
7 services; and

8 2. ~~The designated representative from the Office of the State~~
9 ~~Fire Marshal, the designated representative from the Department of~~
10 ~~Mental Health and Substance Abuse Services, the designated~~
11 ~~representative from the Department of Human Services, and the~~
12 ~~designated representative from the State Department of Health shall~~
13 ~~serve at the pleasure of their designators;~~

14 3. ~~The initial appointments of the Governor~~ Appointments ~~shall~~
15 ~~be for the following~~ two-year ~~terms:~~

16 ~~a. the initial term of the member of the medical~~
17 ~~profession shall be for a three-year term,~~

18 ~~b. the initial term of the member of the osteopathic~~
19 ~~profession shall be for a three-year term,~~

20 ~~c. the initial term of the registered pharmacist shall be~~
21 ~~for a two-year term,~~

22 ~~d. the initial term of the licensed registered nurse~~
23 ~~shall be for a two-year term,~~

1 ~~e. the initial term of the licensed practical nurse shall~~
2 ~~be for a one year term,~~
3 ~~f. of the initial terms for the twelve members who are~~
4 ~~licensed operator administrators for facilities~~
5 ~~pursuant to the Nursing Home Care Act, residential~~
6 ~~care homes pursuant to the Residential Care Act, adult~~
7 ~~day care facilities pursuant to the Adult Day Care~~
8 ~~Act, and continuum of care facilities and assisted~~
9 ~~living centers pursuant to the Continuum of Care and~~
10 ~~Assisted Living Act, four shall be for one-year terms,~~
11 ~~four shall be for two-year terms, and four shall be~~
12 ~~for three-year terms; provided that representatives~~
13 ~~for each of the terms shall include one individual~~
14 ~~representing facilities subject to the provisions of~~
15 ~~the Nursing Home Care Act, one individual representing~~
16 ~~residential care homes subject to the Residential Care~~
17 ~~Act, one individual representing facilities subject to~~
18 ~~the provisions of the Adult Day Care Act, and one~~
19 ~~individual representing continuum of care facilities~~
20 ~~and assisted living centers subject to the provisions~~
21 ~~of the Continuum of Care and Assisted Living Act, and~~
22 ~~g. the initial terms for the six members of the general~~
23 ~~public over the age of sixty-five (65) shall be for~~
24

1 ~~one , two , three , four , five and six year terms~~
2 ~~respectively; and~~

3 ~~4. After the initial designations or appointments, the~~
4 ~~designated representative from the Office of the State Fire Marshal,~~
5 ~~the designated representative of the Oklahoma Health Care Authority,~~
6 ~~the designated representative of the Department of Human Services~~
7 ~~and the designated representative of the Department of Mental Health~~
8 ~~and Substance Abuse Services shall each.~~ Members shall serve at the
9 pleasure of their designators. ~~All other terms shall be for a~~
10 ~~three-year period.~~ Members may be reappointed not to exceed two
11 terms. In case of a vacancy, the Governor shall appoint individuals
12 to fill the remainder of the term.

13 B. The State Department of Health shall provide ~~a clerical~~
14 ~~staff worker~~ administrative support to perform designated duties of
15 the Advisory ~~Board~~ Council. The Department shall also provide space
16 for meetings of the Advisory ~~Board~~ Council.

17 C. The Advisory ~~Board~~ Council shall annually elect a chair,
18 vice-chair and secretary-treasurer, shall meet at least quarterly,
19 and may hold such special meetings as may be necessary. The members
20 of the Advisory ~~Board~~ Council shall be reimbursed as provided for by
21 the State Travel Reimbursement Act.

22 D. The Advisory ~~Board~~ Council shall have the power and duty to:

23 1. Serve as an advisory body to the Department for the
24 development and improvement of services to and care and treatment of

1 residents of facilities subject to the provisions of the Nursing
2 Home Care Act, homes subject to the provisions of the Residential
3 Care Act and facilities subject to the provisions of the Adult Day
4 Care Act;

5 2. Review, and make recommendations regarding, ~~and approve in~~
6 ~~its advisory capacity the system of standards developed by the~~
7 ~~Department~~ quality of services, care, and treatment provided to
8 individuals receiving services from entities that are subject to the
9 Nursing Home Care Act, the Residential Care Act and the Adult Day
10 Care Act; and

11 3. Evaluate and review the standards, practices, and procedures
12 ~~of the Department~~ regarding the administration and enforcement of
13 the provisions of the Nursing Home Care Act, the Residential Care
14 Act and the Adult Day Care Act, ~~and the quality of services and care~~
15 ~~and treatment provided to residents of facilities and residential~~
16 ~~care homes and participants in adult day care centers. The Board~~
17 ~~may make recommendations to the Department as necessary and~~
18 ~~appropriate;~~

19 4. ~~Evaluate and review financial accountability standards,~~
20 ~~policies and practices of residential care facilities regarding~~
21 ~~residents' funds for which the facility is the payee, and evaluate~~
22 ~~and review expenditures made on behalf of the resident by the~~
23 ~~facility to ensure that such funds are managed appropriately and in~~
24 ~~the best interests of the resident; and~~

1 ~~5. Publish and distribute an annual report of its activities~~
2 ~~and any recommendations for the improvement of services and care and~~
3 ~~treatment to residents of facilities and residential care homes and~~
4 ~~participants in adult day care centers on or before January 1 of~~
5 ~~each year to the Governor, the State Commissioner of Health, the~~
6 ~~State Board of Health, the Speaker of the House of Representatives,~~
7 ~~the President Pro Tempore of the Senate, and the chief~~
8 ~~administrative officer of each agency affected by the report.~~

9 SECTION 2. This act shall become effective November 1, 2023.

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11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM
12 CARE, dated 04/04/2023 - DO PASS.
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