

**SENATE FLOOR VERSION**

February 29, 2024

**AS AMENDED**

SENATE BILL NO. 243

By: Daniels of the Senate

and

Boatman of the House

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

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

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

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

1. "Board" means the State Board of Health;
2. "Commissioner" means the State Commissioner of Health;
3. "Department" means the State Department of Health;
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 an intermediate care facility for individuals with intellectual disabilities,
- b. skilled nursing care provided in a distinct part of a hospital as such term is defined by Section 1-701 of this title,
- c. the nursing care component of a continuum of care facility, as such term is defined under the Continuum of Care and Assisted Living Act, or
- d. the nursing care component of a life care community as such term is defined by the ~~Long-term~~ Long-Term Care Insurance Act;

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

- a. the full name, business address~~7~~, and Social Security number of the applicant, and all persons with controlling interest as defined by the Long-term Care Certificate of Need Act,
- b. the full name and address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%), or which is a parent company or subsidiary of the applicant,

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

21          6. "History of noncompliance" means three standard or complaint  
22          surveys found to be at the substandard quality of care level when  
23          the facility does not achieve compliance by date certain in a  
24          nursing facility or specialized facility for persons with

1 Alzheimer's disease or related disorders. Additionally, "history of  
2 noncompliance" for an intermediate care or specialized facility for  
3 persons with intellectual disabilities means three consecutive  
4 routine or complaint surveys that resulted in determinations that  
5 the facility was out of compliance with two or more Conditions of  
6 Participation in the Medicaid program within the preceding thirty-  
7 six (36) months when the facility does not achieve compliance within  
8 sixty (60) days;

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

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

15 a. controls fifty percent (50%) or more of the common  
16 stock of the corporate entity involved or controls  
17 fifty percent (50%) or more of the interest in the  
18 partnership involved,

19 b. controls a percentage of stock greater than any other  
20 stockholder or equal to the other single largest  
21 stockholder or controls a percentage of partnership  
22 interest greater than any other partner or equal to  
23 the other single largest partnership interest, or  
24

1 c. a managing member of a Limited Liability Company  
2 (LLC).

3 SECTION 2. REPEALER 63 O.S. 2021, Sections 1-880.1, 1-  
4 880.2, 1-880.3, 1-880.4, 1-880.5, 1-880.6, as amended by Section 1,  
5 Chapter 98, O.S.L. 2022, 1-880.7, 1-880.8, 1-880.9, 1-880.10, and 1-  
6 880.11 (63 O.S. Supp. 2023, Section 1-880.6), are hereby repealed.

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

8 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
9 February 29, 2024 - DO PASS AS AMENDED  
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