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February 16, 2023

By: Montgomery

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

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

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

Section 1-1923. A. There is hereby re-created, to continue until ~~July 1, 2023~~ July 1, 2025, in accordance with the provisions of the Oklahoma Sunset Law, a Long-Term Care Facility Advisory Board 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 advise the State Commissioner of Health. The Advisory ~~Board~~ Council shall be comprised of the following persons:

- 1 a. ~~one representative from the Office of the State Fire~~
2 ~~Marshal, designated by the State Fire Marshal,~~
3 ~~b.~~ one representative from the Oklahoma Health Care
4 Authority, designated by the Administrator,
5 ~~e.~~ b. one representative from the Department of Mental
6 Health and Substance Abuse Services, designated by the
7 Commissioner of Mental Health and Substance Abuse
8 Services,
9 ~~d.~~ c. one representative from the Department of Human
10 Services, designated by the Director of Human
11 Services,
12 ~~e.~~ d. one member who shall be a licensed general
13 practitioner of the medical or osteopathic profession,
14 ~~f.~~ ~~one member who shall be a general practitioner of the~~
15 ~~osteopathic profession,~~
16 ~~g.~~ e. one member who shall be a registered pharmacist,
17 ~~h.~~ f. one member who shall be a licensed registered nurse
18 or licensed practical nurse,
19 ~~i.~~ ~~one member who shall be a licensed practical nurse,~~
20 ~~j.~~ ~~three members who shall be of reputable and~~
21 ~~responsible character and sound physical and mental~~
22 ~~health and~~
23 g. one member who shall be ~~operator-administrators an~~
24 operator-administrator of a nursing ~~homes which have~~

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

6 ~~k. three members~~

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

11 ~~l. three members~~

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

15 ~~m. three members~~

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

20 ~~n. six~~

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

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

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

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

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

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

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

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

21 ~~e. the initial term of the licensed practical nurse shall~~
22 ~~be for a one-year term,~~

23 ~~f. of the initial terms for the twelve members who are~~
24 ~~licensed operator administrators for facilities~~

~~pursuant to the Nursing Home Care Act, residential care homes pursuant to the Residential Care Act, adult day care facilities pursuant to the Adult Day Care Act, and continuum of care facilities and assisted living centers pursuant to the Continuum of Care and Assisted Living Act, four shall be for one year terms, four shall be for two year terms, and four shall be for three year terms; provided that representatives for each of the terms shall include one individual representing facilities subject to the provisions of the Nursing Home Care Act, one individual representing residential care homes subject to the Residential Care Act, one individual representing facilities subject to the provisions of the Adult Day Care Act, and one individual representing continuum of care facilities and assisted living centers subject to the provisions of the Continuum of Care and Assisted Living Act, and~~
g. ~~the initial terms for the six members of the general public over the age of sixty-five (65) shall be for one, two, three, four, five and six year terms respectively; and~~

~~4. After the initial designations or appointments, the designated representative from the Office of the State Fire Marshal, the designated representative of the Oklahoma Health Care Authority,~~

1 ~~the designated representative of the Department of Human Services~~
2 ~~and the designated representative of the Department of Mental Health~~
3 ~~and Substance Abuse Services shall each.~~ Members shall serve at the
4 pleasure of their designators. ~~All other terms shall be for a~~
5 ~~three-year period.~~ Members may be reappointed not to exceed two
6 terms. In case of a vacancy, the Governor shall appoint individuals
7 to fill the remainder of the term.

8 B. The State Department of Health shall provide ~~a clerical~~
9 ~~staff worker~~ administrative support to perform designated duties of
10 the Advisory ~~Board~~ Council. The Department shall also provide space
11 for meetings of the Advisory ~~Board~~ Council.

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

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

18 1. Serve as an advisory body to the Department for the
19 development and improvement of services to and care and treatment of
20 residents of facilities subject to the provisions of the Nursing
21 Home Care Act, homes subject to the provisions of the Residential
22 Care Act and facilities subject to the provisions of the Adult Day
23 Care Act;
24

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

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

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

21 5. ~~Publish and distribute an annual report of its activities~~
22 ~~and any recommendations for the improvement of services and care and~~
23 ~~treatment to residents of facilities and residential care homes and~~
24 ~~participants in adult day care centers on or before January 1 of~~

1 ~~each year to the Governor, the State Commissioner of Health, the~~
2 ~~State Board of Health, the Speaker of the House of Representatives,~~
3 ~~the President Pro Tempore of the Senate, and the chief~~
4 ~~administrative officer of each agency affected by the report.~~

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

6 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
7 February 16, 2023 - DO PASS
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