

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3844

By: Pittman

AS INTRODUCED

An Act relating to respite care for advantage waiver program; amending 56 O.S. 2021, Section 1017.2, which relates to legislative findings in the Oklahoma Choices for Long-Term Care Act; clarifying certain respite care lengths; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2021, Section 1017.2, is amended to read as follows:

Section 1017.2 The Legislature finds that:

1. Oklahoma has a successful home- and community-based services program known as the ADvantage Waiver Program for the frail, elderly and adults with physical disabilities age twenty-one (21) and over who do not have an intellectual disability nor a cognitive impairment. The ADvantage Waiver Program provides the following services: case management, transitional case management, personal care, advanced supportive/restorative, skilled nursing - home health setting, RN assessment evaluation, occupational therapy, physical

1 therapy, respiratory therapy, speech/language therapy, adult day
2 health, personal care in adult day health, therapy in adult day
3 health, home-delivered meals, ~~NE~~ not less than thirty (30) and up to
4 sixty (60) days of nursing facility extended respite, in-home
5 respite, in-home extended respite, environmental modifications,
6 hospice, consumer-directed personal care assistant services and
7 supports, assisted living, and specialized medical equipment and
8 supplies;

9 2. Many Oklahomans who could safely stay at home with cost-
10 effective home- and community-based services go into nursing
11 facilities the day assistance is needed because their eligibility
12 for nursing facility supports is "presumed" by the nursing facility,
13 while eligibility for home and community supports can take weeks or
14 months. If their circumstances are such that they need immediate or
15 urgent care, they lose their choice to live and receive their
16 services at home. Once they are in a nursing facility, they may
17 lose their home or the supports they need to stay at home; and

18 3. The cost of serving Oklahomans who are in nursing facilities
19 when they could be living and receiving services at home is
20 significantly higher than the cost of serving them with home- and
21 community-based services.

22 SECTION 2. This act shall become effective November 1, 2024.
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