

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 21, 2024

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB1419

By Rosino and Gollihare of the Senate and Boatman and Swope of the House

Title. State Medicaid program; home care; directing Oklahoma Health Care Authority to establish certain program.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations

- 1 That the Senate accept all House Amendments
- 2 By restoring the Enacting Clause.
3. By restoring the title as follows

"An Act relating to the state Medicaid program; defining terms; directing the Oklahoma Health Care Authority to establish certain program subject to certain conditions; requiring certain compliance by family caregiver, authorizing and requiring the Oklahoma Health Care Authority Board to establish certain standards; imposing certain duty on home care agency; directing certain reimbursement of services; directing promulgation of rules; requiring application for certain federal approval; and providing for codification."

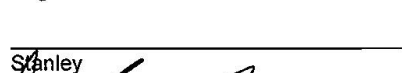
Respectfully submitted,

SENATE CONFEREES


Gollihare


Pugh


Rosino


Stanley


Haste


Young

HOUSE CONFEREES

General Conference Committee on Appropriations

Senate Action _____ Date _____ House Action _____ Date _____

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1419 By: Gollihare of the Senate
3 and
4 Boatman of the House
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7 [state Medicaid program - program - standards -
8 reimbursement - rules - application - Home Care Act
9 - codification - effective date -
10 emergency]
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15 AUTHOR: Add the following House Coauthor: Swope

16 AMENDMENT NO. 1. Strike the stricken title, enacting clause, and
17 entire bill and insert:
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19 "[state Medicaid program - program - standards -
20 reimbursement - rules - application - Home Care Act
21 - codification]
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1 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 5013.2 of Title 63, unless there
4 is created a duplication in numbering, reads as follows:

5 A. As used in this section:

6 1. "Family member" means a child, parent, parent-in-law,
7 sibling, grandparent, grandchild, spouse, or any other individual
8 related by blood, and any other individual with a close association
9 that is the equivalent of a family relationship;
10 2. "Home care agency" and "skilled care" have the same meanings
11 as provided by Section 1-1961 of Title 63 of the Oklahoma Statutes;
12 and

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

17 B. Not later than one (1) year after the effective date of this
18 act and subject to receipt of federal approval for the program, the
19 Oklahoma Health Care Authority shall establish a program under which
20 a family member of a Medicaid enrollee may be recognized as a family
21 caregiver and, after receiving such recognition, may, under the
22 direction and supervision of a registered nurse, provide services to
23 the enrollee through a licensed home care agency under the
24 reimbursement rates established under subsection F of this section,

1 provided that the enrollee qualifies for such services under the
2 state Medicaid program.

3 C. 1. The program established under this section shall require
4 the family caregiver to fulfill such requirements or meet such
5 qualifications as may be prescribed by the Oklahoma Health Care
6 Authority Board. Such requirements shall include, but not be
7 limited to, completion of a criminal history background check.

8 2. The Board may prescribe standards for training, competency
9 evaluation, and such other requirements or qualification criteria as
10 the Board deems necessary and appropriate.

11 D. The Board shall establish scope of practice standards and
12 restrictions for services that a recognized family caregiver may
13 provide to a Medicaid enrollee. The scope of practice may include
14 necessary and appropriate skilled care tasks. In establishing such
15 standards and restrictions, the Board shall consider the advice of
16 the State Department of Health.

17 E. It shall be the duty of the home care agency to ensure that
18 a recognized family caregiver meets the qualifications and
19 requirements prescribed by this section and rules promulgated by the
20 Board.

21 F. Reimbursable services provided by a recognized family
22 caregiver under the program established under this section shall be
23 reimbursed to a home care agency at a rate established by the
24 Authority.

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

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

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

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

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

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

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

16 4. "~~Healthcare~~ Health care provider" means a physician,
17 physician assistant or Advanced Practice Registered Nurse recognized
18 by the Oklahoma Board of Nursing as a ~~Certified Nurse Practitioner~~
19 certified nurse practitioner or a ~~Clinical Nurse Specialist~~ clinical
20 nurse specialist;

21 5. "Home care agency" means any sole proprietorship,
22 partnership, association, corporation or other organization which
23 administers, offers or provides home care services, for a fee or
24 pursuant to a contract for such services, to clients in their place

1 of residence. The term ~~"home care agency"~~ home care agency shall
2 not include:

3 a. individuals who contract with the Department of Human
4 Services to provide personal care services, provided
5 such individuals shall not be exempt from
6 certification as home health aides,

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

16 c. CD-PASS waiver program employer participants;

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

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

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

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

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

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

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

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

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

22 12. "Supportive home assistant" means an individual employed by
23 a home care agency who provides standby assistance to ambulatory
24 clients, in conjunction with other companionship or homemaker

1 services, in the temporary or permanent place of residence of the
2 client for a fee."

3 Passed the House of Representatives the 23rd day of April, 2024.

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6 Presiding Officer of the House of
7 Representatives

8 Passed the Senate the ____ day of _____, 2024.

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11 Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 1419

By: Gollihare of the Senate

3 and

4 Boatman of the House

5
6 [state Medicaid program - program - standards -
7 reimbursement - rules - application - Home Care Act -
8 codification - effective date -
9 emergency]

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

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 5013.2 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. As used in this section:

15 1. "Family member" means a child, parent, parent-in-law,
16 sibling, grandparent, grandchild, spouse, or any other individual
17 related by blood, and any other individual with a close association
18 that is the equivalent of a family relationship; and

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

21 B. Not later than one year after the effective date of this act
22 and subject to receipt of federal approval for the program, the
23 Oklahoma Health Care Authority shall establish a program under which
24 a family member of a Medicaid enrollee may be recognized as a family

1 caregiver and, after receiving such recognition, may, under the
2 direction and supervision of a Registered Nurse, provide services to
3 the enrollee through a licensed home care agency under the
4 reimbursement rates established under subsection F of this section,
5 provided that the enrollee qualifies for such services under the
6 state Medicaid program.

7 C. 1. The program established under this section shall require
8 the family caregiver to fulfill such requirements or meet such
9 qualifications as may be prescribed by the Oklahoma Health Care
10 Authority Board. Such requirements shall include, but not be
11 limited to, completion of a criminal history background check.

12 2. The Board may prescribe standards for training, competency
13 evaluation, and such other requirements or qualification criteria as
14 the Board deems necessary and appropriate.

15 D. The Board shall establish scope of practice standards and
16 restrictions for services that a recognized family caregiver may
17 provide to a Medicaid enrollee. The scope of practice may include
18 necessary and appropriate skilled care tasks. In establishing such
19 standards and restrictions, the Board shall consider the advice of
20 the State Department of Health.

21 E. It shall be the duty of the home care agency to ensure that
22 a recognized family caregiver meets the qualifications and
23 requirements prescribed by this section and rules promulgated by the
24 Board.

1 F. Reimbursable services provided by a recognized family
2 caregiver under the program established under this section shall be
3 reimbursed to a home care agency at a rate established by the
4 Authority.

5 G. 1. The Board shall promulgate rules as necessary to
6 implement this section.

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

11 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-1961, is
12 amended to read as follows:

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

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

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

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

20 4. ~~"Healthcare"~~ "Health care provider" means a physician,
21 physician assistant or Advanced Practice Registered Nurse recognized
22 by the Oklahoma Board of Nursing as a Certified Nurse Practitioner
23 or a Clinical Nurse Specialist;

1 5. "Home care agency" means any sole proprietorship,
2 partnership, association, corporation or other organization which
3 administers, offers or provides home care services, for a fee or
4 pursuant to a contract for such services, to clients in their place
5 of residence. The term ~~"home care agency"~~ home care agency shall
6 not include:

7 a. individuals who contract with the Department of Human
8 Services to provide personal care services, provided
9 such individuals shall not be exempt from
10 certification as home health aides,

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

20 c. CD-PASS waiver program employer participants;

21 6. "Home care services" means skilled or personal care services
22 provided to clients in their place of residence for a fee;
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1 7. "Home health aide" means an individual who provides personal
2 care to clients in their temporary or permanent place of residence
3 for a fee;

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

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

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

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

13 b. a person currently licensed by this state including
14 but not limited to a Licensed Practical Nurse,
15 Registered Nurse, ~~Physical Therapist~~ physical
16 therapist, Occupational Therapist occupational
17 therapist, Speech Therapist speech therapist, or
18 ~~Social Worker~~ social worker, or

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

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

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

9 SECTION 5. This act shall become effective July 1, 2024.

10 SECTION 6. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 12th day of March, 2024.

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16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2024.

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21 _____
22 Presiding Officer of the House
23 of Representatives
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