

An Act

ENROLLED SENATE
BILL NO. 56

By: Gollihare, Pederson, Hicks,
Kirt, Goodwin, Nice, and
Mann of the Senate

and

Stinson, Osburn, and Hefner
of the House

An Act relating to home care; defining terms; directing the Oklahoma Health Care Authority to establish certain program subject to certain conditions; stating qualification criteria for program; authorizing and requiring certain standards; imposing certain duty on home care agencies; directing certain reimbursement of home care services; directing promulgation of rules; requiring application for certain federal approval; amending 63 O.S. 2021, Section 1-1961, as amended by Section 3, Chapter 294, O.S.L. 2024 (63 O.S. Supp. 2024, Section 1-1961), which relates to definitions used in the Home Care Act; modifying definition; updating statutory language; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Home care

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

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

A. As used in this section:

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

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

B. Not later than one year after the effective date of this act and subject to receipt of federal approval for the program, the Oklahoma Health Care Authority shall establish a program under which a family member of a Medicaid member may be recognized as a family caregiver and, after receiving such recognition, may, under the direction and supervision of a Registered Nurse, provide services to the Medicaid member through a licensed home care agency under the reimbursement rates established under subsection F of this section, provided that the Medicaid member is:

1. Under the age of twenty-one (21) years; and

2. Approved to receive private duty nursing services, or paid family caregiver benefits in lieu of private duty nursing services.

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

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

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

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

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

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

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

SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1961, as amended by Section 3, Chapter 294, O.S.L. 2024 (63 O.S. Supp. 2024, Section 1-1961), is amended to read as follows:

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

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

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

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

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

5. "Home care agency" means any sole proprietorship, partnership, association, corporation or other organization which administers, offers or provides home care services, for a fee or

pursuant to a contract for such services, to clients in their place of residence. The term home care agency shall not include:

- a. individuals who contract with the Department of Human Services to provide personal care services, provided such individuals shall not be exempt from certification as home health aides,
- b. organizations that contract with the Oklahoma Health Care Authority as ~~Intermediary Services Organizations (ISO)~~ intermediary services organizations (ISOs) to provide federal Internal Revenue Service fiscal and supportive services to Oklahoma Consumer-Directed Personal Assistance Services and Supports (CD-PASS) waiver program participants who have employer responsibility for hiring, training, directing and managing an individual personal care attendant,
- c. CD-PASS waiver program employer participants, or
- d. PACE organizations as defined by 42 C.F.R., Section 460.6;

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

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

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

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

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

- a. a trained respiratory therapist/technician ~~or by,~~

- b. a person currently licensed by this state including but not limited to a Licensed Practical Nurse, Registered Nurse, physical therapist, occupational therapist, speech therapist, or social worker, or
- c. for the exclusive purpose of the program established under Section 1 of this act and subject to the scope of practice standards and restrictions established by the Authority under Section 1 of this act, a family member of a Medicaid enrollee who is recognized by the Authority as a family caregiver;

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

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

SECTION 3. This act shall become effective July 1, 2025.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 1st day of May, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____