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

4 A. As used in this section:

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

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

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

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

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

23 C. 1. The program established under this section shall require
24 the family caregiver to fulfill such requirements or meet such

1 qualifications as may be prescribed by the Oklahoma Health Care
2 Authority Board. Such requirements shall include, but not be
3 limited to, completion of a criminal history background check.

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

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

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

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

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

23 2. The Administrator of the Authority shall apply for such
24 state plan amendments or waivers as may be necessary to implement

1 this section and to secure federal financial participation for state
2 Medicaid expenditures under the federal Medicaid program.

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

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

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

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

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

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

17 5. "Home care agency" means any sole proprietorship,
18 partnership, association, corporation or other organization which
19 administers, offers or provides home care services, for a fee or
20 pursuant to a contract for such services, to clients in their place
21 of residence. The term home care agency shall not include:

22 a. individuals who contract with the Department of Human
23 Services to provide personal care services, provided
24

1 such individuals shall not be exempt from
2 certification as home health aides,

- 3 b. organizations that contract with the Oklahoma Health
4 Care Authority as ~~Intermediary Services Organizations~~
5 ~~(ISO)~~ intermediary services organizations (ISOs) to
6 provide federal Internal Revenue Service fiscal and
7 supportive services to Oklahoma Consumer-Directed
8 Personal Assistance Services and Supports (CD-PASS)
9 waiver program participants who have employer
10 responsibility for hiring, training, directing and
11 managing an individual personal care attendant,
12 c. CD-PASS waiver program employer participants, or
13 d. PACE organizations as defined by 42 C.F.R., Section
14 460.6;

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

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

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

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

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

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

4 b. a person currently licensed by this state including

5 but not limited to a Licensed Practical Nurse,

6 Registered Nurse, physical therapist, occupational

7 therapist, speech therapist, or social worker, or

8 c. for the exclusive purpose of the program established

9 under Section 1 of this act and subject to the scope

10 of practice standards and restrictions established by

11 the Authority under Section 1 of this act, a family

12 member of a Medicaid enrollee who is recognized by the

13 Authority as a family caregiver;

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

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

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

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
5 04/16/2025 - DO PASS, As Coauthored.

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