

THE HOUSE OF REPRESENTATIVES
Thursday, February 12, 2009

House Bill No. 1065

HOUSE BILL NO. 1065 - By: FAUGHT of the House and CRAIN of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-890.2, as amended by Section 1, Chapter 347, O.S.L. 2007 and 1-890.3 (63 O.S. Supp. 2008, Section 1-890.2), which relate to the Continuum of Care and Assisted Living Act; adding definition; requiring development of certain consumer guide; requiring results of certain inspections be posted on web site; and providing an effective date.

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

1 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-890.2, as amended by
2 Section 1, Chapter 347, O.S.L. 2007 (63 O.S. Supp. 2008, Section 1-890.2), is amended to
3 read as follows:

4 Section 1-890.2 As used in the Continuum of Care and Assisted Living Act:

- 5 1. "Assisted living center" means any home or establishment offering, coordinating
6 or providing services to two or more persons who:
- 7 a. are domiciled therein,
 - 8 b. are unrelated to the operator,
 - 9 c. by choice or functional impairments, need assistance with personal
10 care or nursing supervision,
 - 11 d. may need intermittent or unscheduled nursing care,
 - 12 e. may need medication assistance, and

- 1 f. may need assistance with transfer and/or ambulation;
- 2 2. "Board" means the State Board of Health;
- 3 3. "Commissioner" means the Commissioner of Health; ~~and~~
- 4 4. "Continuum of care facility" means a home, establishment or institution
- 5 providing nursing facility services as defined in Section 1-1902 of this title and one or
- 6 both of the following:
- 7 a. assisted living center services as defined in the Continuum of Care and
- 8 Assisted Living Act, and
- 9 b. adult day care center services as defined in Section 1-872 of this title;
- 10 and
- 11 5. "Department" means the State Department of Health.

12 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-890.3, is amended to

13 read as follows:

14 Section 1-890.3 A. The State Board of Health shall promulgate rules necessary to

15 implement the provisions of the Continuum of Care and Assisted Living Act. Such rules

16 shall include, but shall not be limited to:

- 17 1. A uniform comprehensive resident screening instrument to measure the needs
- 18 and capabilities of residents in all settings and to determine appropriate placements of
- 19 residents;
- 20 2. Physical plant requirements meeting construction and life safety codes, with
- 21 provisions accommodating resident privacy and independence in assisted living centers

1 and in assisted living components of continuum of care facilities based on the variable
2 capabilities of residents;

3 3. Staffing levels responsive to the variable needs of residents, with provisions for
4 sharing of staff between components in a continuum of care facility;

5 4. Standards for measuring quality outcomes for residents;

6 5. Provisions for individualized services chosen by and designed for each resident;

7 6. Procedures for inspections and investigations of licensed entities to ensure
8 compliance with the Continuum of Care and Assisted Living Act and rules promulgated
9 by the Board;

10 7. Enumeration of resident rights and responsibilities to be observed by each
11 facility and its staff; ~~and~~

12 8. Provisions for a surety bond or deposit from each applicant in an amount
13 sufficient to guarantee that obligations to residents will be performed, with provisions for
14 reduction or waiver of the surety bond or deposit when the assets of the applicant or its
15 contracts with other persons are sufficient to reasonably ensure the performance of its
16 obligations;

17 9. Provisions for the development of a consumer guide or similar resource to be
18 posted on the Internet web site of the State Department of Health to assist individuals
19 and families in understanding the services provided by assisted living centers and to
20 compare and select a facility; and

21 10. Provisions for posting results of routine inspections and any complaint
22 investigations of each assisted living center on the Internet web site of the Department.

1 Such information shall be regularly updated to include the facility's plan of correction
2 and to indicate when a violation of a licensing regulation was corrected by the facility.

3 B. The nursing care service of a continuum of care facility shall be subject to the
4 requirements, procedures and remedies set out in the Nursing Home Care Act, including
5 provisions relating to resident rights.

6 C. The adult day care component of a continuum of care facility shall be subject to
7 requirements and procedures specified under the Adult Day Care Act.

8 SECTION 3. This act shall become effective November 1, 2009.

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-11-09 - DO
10 PASS, As Coauthored.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.