

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 890

By: David

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5
6 AS INTRODUCED

7 An Act relating to community-based program of
8 services; amending 56 O.S. 2011, Section 1025.1,
9 which relates to definitions; specifying workers who
10 may perform certain tasks; updating terms; and
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 56 O.S. 2011, Section 1025.1, is
14 amended to read as follows:

15 Section 1025.1. For the purposes of this chapter:

- 16 1. "Bureau" means the Oklahoma State Bureau of Investigation;
17 2. "Commission" means the Commission for Human Services;
18 3. "Community services provider" means a community-based
19 program, corporation, or individual who contracts with, or is
20 licensed or funded by, the Department of Human Services to provide
21 residential or vocational services to persons with ~~mental~~
22 ~~retardation~~ intellectual or developmental disabilities, or contracts
23 with the Oklahoma Health Care Authority to provide services to
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1 individuals with mental retardation through a Home and Community-
2 Based Waiver, except a private ~~ICF/MR~~ IFC/IID;

3 4. "Community services worker" means any person employed by or
4 under contract with a community services provider who provides, for
5 compensation or as a volunteer, health-related services, training,
6 or supportive assistance to persons with developmental disabilities,
7 and who is not a licensed health professional or any person who
8 contracts with the Oklahoma Health Care Authority to provide
9 specialized foster care, habilitation training specialist services,
10 or homemaker services to persons with developmental disabilities;

11 5. "Department" means the Department of Human Services;

12 6. "Developmental disability" means a severe, chronic
13 disability of a person which:

- 14 a. is attributable to a mental or physical impairment or
15 combination of mental and physical impairments, such
16 as mental retardation, cerebral palsy, or autism,
- 17 b. is manifested before the person attains twenty-two
18 (22) years of age,
- 19 c. is likely to continue indefinitely,
- 20 d. results in substantial functional limitations in three
21 or more of the following areas of major life activity:
 - 22 (1) self-care,
 - 23 (2) receptive and expressive language,
 - 24 (3) learning,

- (4) mobility,
- (5) self-direction,
- (6) capacity for independent living, and
- (7) economic self-sufficiency, and

e. reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated;

7. "Health-related services" means those services provided by community services providers or community services workers to persons with developmental disabilities that include, but are not limited to, personal hygiene, transferring, range of motion, supervision or assistance in activities of daily living, basic nursing care such as taking temperature, pulse or respiration, positioning, and incontinent care, all of which may be performed by a Certified Nurse Aide or above, and identification of signs and symptoms of disease, which shall be performed by a Registered Nurse or above. Certain tasks that may be performed as basic nursing care by community services workers require appropriate training provided or approved by the Department, written agreement by the service recipient's personal support team, and the primary care physician's acknowledgement and specific order related to the task. Under such

1 circumstances, basic nursing care may include, but need not be
2 limited to:

- 3 a. nutrition, including meals by gastrostomy tube or
4 jejeunostomy tube, which may be performed by a
5 Licensed Practical Nurse or above,
- 6 b. blood glucose monitoring, which may be performed by a
7 Licensed Practical Nurse or above,
- 8 c. ostomy bag care, which may be performed by a Certified
9 Nurse Aide or above,
- 10 d. oral suctioning, which may be performed by a Licensed
11 Practical Nurse or above, and
- 12 e. administration of oral metered dose inhalers and
13 nebulizers, which may be performed by a Licensed
14 Practical Nurse or above;

15 8. "Supportive assistance" means the service rendered to
16 persons with developmental disabilities which is sufficient to
17 enable such person to meet an adequate level of daily living.
18 Supportive assistance includes, but is not limited to, training,
19 supervision, assistance in housekeeping, assistance in the
20 preparation of meals, and assistance in activities of daily living
21 as necessary for the health and comfort of persons with
22 developmental disabilities;

23 9. "Maltreatment" means abuse, verbal abuse, sexual abuse,
24 neglect, financial neglect, exploitation or sexual exploitation of
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1 vulnerable adults as defined in Section 10-103 of Title 43A of the
2 Oklahoma Statutes or abuse, neglect, sexual abuse or sexual
3 exploitation of children as defined in Section 1-1-105 of Title 10A
4 of the Oklahoma Statutes;

5 10. "Personal care" means a level of assistance provided in the
6 home of an individual to meet the individual's activities of daily
7 living needs such as bathing, grooming, meal preparation, light
8 housekeeping, laundry, and care plan-directed errands;

9 11. "Medicaid personal care services provider" means a program,
10 corporation or individual who provides services under the state
11 Medicaid program personal care program or Advantage Waiver to
12 individuals who are elderly or who have a physical disability;

13 12. "Medicaid personal care assistant" means a person who
14 provides Medicaid services funded under the state Medicaid program
15 personal care program, who is not a certified nurse aide or a
16 licensed professional;

17 13. "Specialized foster care" means the home- and community-
18 based service as defined in the 1915(c) waiver approved by the
19 Centers for Medicare and Medicaid Services;

20 14. "Habilitation training specialist services" means the home-
21 and community-based service as defined in the 1915 (c) waiver
22 approved by the Centers for Medicare and Medicaid Services;

1 15. "Homemaker services" means the home- and community-based
2 service as defined in the 1915(c) waiver approved by the Centers for
3 Medicare and Medicaid Services.

4 SECTION 2. This act shall become effective November 1, 2019.

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