

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2817

By: Kendrix

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5
6 AS INTRODUCED

7 An Act relating to sunset; amending 63 O.S. 2021,
8 Section 1-1923, which relates to the Long-Term Care
9 Facility Advisory Board; re-creating the Board; and
10 modifying termination date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1923, is
14 amended to read as follows:

15 Section 1-1923. A. There is hereby re-created, to continue
16 until July 1, ~~2023~~ 2029, in accordance with the provisions of the
17 Oklahoma Sunset Law, a Long-Term Care Facility Advisory Board which
18 shall be composed as follows:

19 1. The Governor shall appoint a twenty-seven-member Long-Term
20 Care Facility Advisory Board which shall advise the State
21 Commissioner of Health. The Advisory Board shall be comprised of
22 the following persons:

- 23 a. one representative from the Office of the State Fire
24 Marshal, designated by the State Fire Marshal,

- 1 b. one representative from the Oklahoma Health Care
2 Authority, designated by the Administrator,
- 3 c. one representative from the Department of Mental
4 Health and Substance Abuse Services, designated by the
5 Commissioner of Mental Health and Substance Abuse
6 Services,
- 7 d. one representative from the Department of Human
8 Services, designated by the Director of Human
9 Services,
- 10 e. one member who shall be a licensed general
11 practitioner of the medical profession,
- 12 f. one member who shall be a general practitioner of the
13 osteopathic profession,
- 14 g. one member who shall be a registered pharmacist,
- 15 h. one member who shall be a licensed registered nurse,
- 16 i. one member who shall be a licensed practical nurse,
- 17 j. three members who shall be of reputable and
18 responsible character and sound physical and mental
19 health and shall be operator-administrators of nursing
20 homes which have current licenses issued pursuant to
21 the Nursing Home Care Act and who shall have had five
22 (5) years' experience in the nursing home profession
23 as operator-administrators,
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1 k. three members who shall be residential care home
2 operator-administrators licensed pursuant to the
3 provisions of the Residential Care Act,

4 l. three members who shall be adult day care facility
5 owner-operators licensed pursuant to the provisions of
6 the Adult Day Care Act,

7 m. three members who shall be continuum of care facility
8 or assisted living center owner-operators licensed
9 pursuant to the provisions of the Continuum of Care
10 and Assisted Living Act, and

11 n. six members who shall be over the age of sixty-five
12 (65) who shall represent the general public;

13 2. The designated representative from the Office of the State
14 Fire Marshal, the designated representative from the Department of
15 Mental Health and Substance Abuse Services, the designated
16 representative from the Department of Human Services, and the
17 designated representative from the State Department of Health shall
18 serve at the pleasure of their designators;

19 3. The initial appointments of the Governor shall be for the
20 following terms:

21 a. the initial term of the member of the medical
22 profession shall be for a three-year term,

23 b. the initial term of the member of the osteopathic
24 profession shall be for a three-year term,

- 1 c. the initial term of the registered pharmacist shall be
2 for a two-year term,
- 3 d. the initial term of the licensed registered nurse
4 shall be for a two-year term,
- 5 e. the initial term of the licensed practical nurse shall
6 be for a one-year term,
- 7 f. of the initial terms for the twelve members who are
8 licensed operator-administrators for facilities
9 pursuant to the Nursing Home Care Act, residential
10 care homes pursuant to the Residential Care Act, adult
11 day care facilities pursuant to the Adult Day Care
12 Act, and continuum of care facilities and assisted
13 living centers pursuant to the Continuum of Care and
14 Assisted Living Act, four shall be for one-year terms,
15 four shall be for two-year terms, and four shall be
16 for three-year terms; provided that representatives
17 for each of the terms shall include one individual
18 representing facilities subject to the provisions of
19 the Nursing Home Care Act, one individual representing
20 residential care homes subject to the Residential Care
21 Act, one individual representing facilities subject to
22 the provisions of the Adult Day Care Act, and one
23 individual representing continuum of care facilities
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1 and assisted living centers subject to the provisions
2 of the Continuum of Care and Assisted Living Act, and
3 g. the initial terms for the six members of the general
4 public over the age of sixty-five (65) shall be for
5 one-, two-, three-, four-, five- and six-year terms
6 respectively; and

7 4. After the initial designations or appointments, the
8 designated representative from the Office of the State Fire Marshal,
9 the designated representative of the Oklahoma Health Care Authority,
10 the designated representative of the Department of Human Services
11 and the designated representative of the Department of Mental Health
12 and Substance Abuse Services shall each serve at the pleasure of
13 their designators. All other terms shall be for a three-year
14 period. In case of a vacancy, the Governor shall appoint
15 individuals to fill the remainder of the term.

16 B. The State Department of Health shall provide a clerical
17 staff worker to perform designated duties of the Advisory Board.
18 The Department shall also provide space for meetings of the Advisory
19 Board.

20 C. The Advisory Board shall annually elect a chair, vice-chair
21 and secretary-treasurer, shall meet at least quarterly, and may hold
22 such special meetings as may be necessary. The members of the
23 Advisory Board shall be reimbursed as provided for by the State
24 Travel Reimbursement Act.

1 D. The Advisory Board shall have the power and duty to:

2 1. Serve as an advisory body to the Department for the
3 development and improvement of services to and care and treatment of
4 residents of facilities subject to the provisions of the Nursing
5 Home Care Act, homes subject to the provisions of the Residential
6 Care Act and facilities subject to the provisions of the Adult Day
7 Care Act;

8 2. Review, make recommendations regarding, and approve in its
9 advisory capacity the system of standards developed by the
10 Department;

11 3. Evaluate and review the standards, practices, and procedures
12 of the Department regarding the administration and enforcement of
13 the provisions of the Nursing Home Care Act, the Residential Care
14 Act and the Adult Day Care Act, and the quality of services and care
15 and treatment provided to residents of facilities and residential
16 care homes and participants in adult day care centers. The Board
17 may make recommendations to the Department as necessary and
18 appropriate;

19 4. Evaluate and review financial accountability standards,
20 policies and practices of residential care facilities regarding
21 residents' funds for which the facility is the payee, and evaluate
22 and review expenditures made on behalf of the resident by the
23 facility to ensure that such funds are managed appropriately and in
24 the best interests of the resident; and

1 5. Publish and distribute an annual report of its activities
2 and any recommendations for the improvement of services and care and
3 treatment to residents of facilities and residential care homes and
4 participants in adult day care centers on or before January 1 of
5 each year to the Governor, the State Commissioner of Health, the
6 State Board of Health, the Speaker of the House of Representatives,
7 the President Pro Tempore of the Senate, and the chief
8 administrative officer of each agency affected by the report.

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