

1 ENGROSSED SENATE
2 BILL NO. 56

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

3
4 and

5 Stinson of the House
6

7 An Act relating to home care; defining terms;
8 directing the Oklahoma Health Care Authority to
9 establish certain program subject to certain
10 conditions; stating qualification criteria for
11 program; authorizing and requiring certain standards;
12 imposing certain duty on home care agencies;
13 directing certain reimbursement of home care
14 services; directing promulgation of rules; requiring
15 application for certain federal approval; amending 63
16 O.S. 2021, Section 1-1961, as amended by Section 3,
17 Chapter 294, O.S.L. 2024 (63 O.S. Supp. 2024, Section
18 1-1961), which relates to definitions used in the
19 Home Care Act; modifying definition; updating
20 statutory language; providing for codification;
21 providing an effective date; and declaring an
22 emergency.
23
24

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

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

21 A. As used in this section:

22 1. "Family member" means a child, parent, parent-in-law,
23 sibling, grandparent, grandchild, spouse, or any other individual
24

1 related by blood, and any other individual with a close association
2 that is the equivalent of a family relationship; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 a. individuals who contract with the Department of Human
17 Services to provide personal care services, provided
18 such individuals shall not be exempt from
19 certification as home health aides,

20 b. organizations that contract with the Oklahoma Health
21 Care Authority as ~~Intermediary Services Organizations~~
22 ~~(ISO)~~ intermediary services organizations (ISOs) to
23 provide federal Internal Revenue Service fiscal and
24 supportive services to Oklahoma Consumer-Directed

1 Personal Assistance Services and Supports (CD-PASS)
2 waiver program participants who have employer
3 responsibility for hiring, training, directing and
4 managing an individual personal care attendant,

5 c. CD-PASS waiver program employer participants, or

6 d. PACE organizations as defined by 42 C.F.R., Section
7 460.6;

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

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

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

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

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

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

21 b. a person currently licensed by this state including
22 but not limited to a Licensed Practical Nurse,
23 Registered Nurse, physical therapist, occupational
24 therapist, speech therapist, or social worker, or

1 c. for the exclusive purpose of the program established
2 under Section 1 of this act and subject to the scope
3 of practice standards and restrictions established by
4 the Authority under Section 1 of this act, a family
5 member of a Medicaid enrollee who is recognized by the
6 Authority as a family caregiver;

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

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

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

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

