

1 **SENATE FLOOR VERSION**

February 20, 2025

2 **AS AMENDED**

3 SENATE BILL NO. 56

By: Gollihare of the Senate

4 and

5 Stinson of the House

6
7
8 **[home care - program - qualification criteria -**
9 **standards - duty - reimbursement - promulgation of**
10 **rules - application - codification - effective date -**
11 **emergency]**

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

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

17 A. As used in this section:

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

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

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

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

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

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

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

21 D. The Board shall establish scope of practice standards and
22 restrictions for services that a recognized family caregiver may
23 provide to a Medicaid enrollee. The scope of practice may include
24 necessary and appropriate skilled care tasks. In establishing such

1 standards and restrictions, the Board shall consider the advice of
2 the State Department of Health.

3 E. It shall be the duty of the home care agency to ensure that
4 a recognized family caregiver meets the qualifications and
5 requirements prescribed by this section and rules promulgated by the
6 Board.

7 F. Reimbursable services provided by a recognized family
8 caregiver under the program established under this section shall be
9 reimbursed to a home care agency at a rate established by the
10 Authority.

11 G. 1. The Board shall promulgate rules as necessary to
12 implement this section.

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

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

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

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

22 2. "Certification" means verification of appropriate training
23 and competence established by the State Commissioner of Health by
24

1 rules promulgated pursuant to the Home Care Act for home health
2 aides and home care agency administrators;

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

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

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

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

17 b. organizations that contract with the Oklahoma Health
18 Care Authority as ~~Intermediary Services Organizations~~
19 ~~(ISO)~~ intermediary services organizations (ISOs) to
20 provide federal Internal Revenue Service fiscal and
21 supportive services to Oklahoma Consumer-Directed
22 Personal Assistance Services and Supports (CD-PASS)
23 waiver program participants who have employer
24

1 responsibility for hiring, training, directing and
2 managing an individual personal care attendant,

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

4 d. PACE organizations as defined by 42 C.F.R., Section
5 460.6;

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

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

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

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

16 10. "Skilled care" means home care services performed on a
17 regular basis by:

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

19 b. a person currently licensed by this state including

20 but not limited to a Licensed Practical Nurse,

21 Registered Nurse, physical therapist, occupational

22 therapist, speech therapist, or social worker, or

23 c. for the exclusive purpose of the program established

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

1 of practice standards and restrictions established by
2 the Authority under Section 1 of this act, a family
3 member of a Medicaid enrollee who is recognized by the
4 Authority as a family caregiver;

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
19 February 20, 2025 - DO PASS AS AMENDED
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