

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1674

By: Cantrell

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5
6 AS INTRODUCED

7 An Act relating to nursing homes; amending 63 O.S.
8 2021, Section 1-1902, as amended by Section 8,
9 Chapter 339, O.S.L. 2024 (63 O.S. Supp. 2024, Section
10 1-1902), which relates to the Nursing Homes Care Act;
11 adding a definition; and providing an effective date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1902, as
14 amended by Section 8, Chapter 339, O.S.L. 2024 (63 O.S. Supp. 2024,
15 Section 1-1902), is amended to read as follows:

16 Section 1-1902. As used in the Nursing Home Care Act:

17 1. "Abuse" means the willful infliction of injury, unreasonable
18 confinement, intimidation, or punishment, with resulting physical
19 harm, impairment, or mental anguish;

20 2. "Access" means the right of a person to enter a facility to
21 communicate privately and without unreasonable restriction when
22 invited to do so by a resident. A representative of the Office of
23 the State Long-Term Care Ombudsman and a case manager employed by
24 the Department of Mental Health and Substance Abuse Services or one

1 of its contract agencies shall have right of access to enter a
2 facility, communicate privately and without unreasonable restriction
3 with any resident who consents to the communication, to seek consent
4 to communicate privately and without restriction with any resident,
5 and to observe all areas of the facility that directly pertain to
6 the patient care of the resident without infringing upon the privacy
7 of the other residents without first obtaining their consent;

8 3. "Administrator" means the person licensed by the State of
9 Oklahoma who is in charge of a facility. An administrator must
10 devote at least one-third (1/3) of such person's working time to on-
11 the-job supervision of the facility; provided, that this requirement
12 shall not apply to an administrator of an intermediate care facility
13 for individuals with intellectual disabilities with sixteen or fewer
14 beds (ICF/IID-16), in which case the person licensed by the state
15 may be in charge of more than one such ICF/IID-16 facility, if such
16 facilities are located within a circle that has a radius of not more
17 than fifteen (15) miles, the total number of facilities and beds
18 does not exceed six facilities and sixty-four beds, and each such
19 ICF/IID-16 facility is supervised by a qualified professional. The
20 facilities may be free-standing in a community or may be on campus
21 with a parent institution. The ICF/IID-16 facility may be
22 independently owned and operated or may be part of a larger
23 institutional operation;

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1 4. "Advisory Board" means the Long-Term Care Facility Advisory
2 Board;

3 5. "Adult companion home" means any home or establishment,
4 funded and certified by the Department of Human Services, which
5 provides homelike residential accommodations and supportive
6 assistance to three or fewer adults with intellectual or
7 developmental disabilities;

8 6. "Board" means the State Board of Health;

9 7. "Commissioner" means the State Commissioner of Health;

10 8. "Department" means the State Department of Health;

11 9. "Facility" means a nursing facility and a specialized home;
12 provided, this term shall not include a residential care home or an
13 adult companion home;

14 10. "Nursing facility" means a home, an establishment, or an
15 institution, a distinct part of which is primarily engaged in
16 providing:

- 17 a. skilled nursing care and related services for
- 18 residents who require medical or nursing care,
- 19 b. rehabilitation services for the rehabilitation of
- 20 injured, disabled, or sick persons, or
- 21 c. on a regular basis, health-related care and services
- 22 to individuals who because of their mental or physical
- 23 condition require care and services beyond the level
- 24 of care provided by a residential care home and which

1 can be made available to them only through a nursing
2 facility.

3 Nursing facility does not mean, for purposes of Section 1-851.1 of
4 this title, a facility constructed or operated by an entity
5 described in paragraph 7 of subsection B of Section 6201 of Title 74
6 of the Oklahoma Statutes or the nursing care component of a
7 continuum of care facility, as such term is defined under the
8 Continuum of Care and Assisted Living Act, to the extent that the
9 facility constructed or operated by an entity described in paragraph
10 7 of subsection B of Section 6201 of Title 74 of the Oklahoma
11 Statutes contains such a nursing care component;

12 11. "Specialized facility" means any home, establishment, or
13 institution which offers or provides inpatient long-term care
14 services on a twenty-four-hour basis to a limited category of
15 persons requiring such services, including but not limited to a
16 facility providing health or habilitation services for individuals
17 with intellectual or developmental disabilities, but does not mean,
18 for purposes of Section 1-851.1 of this title, a facility
19 constructed or operated by an entity described in paragraph 7 of
20 subsection B of Section 6201 of Title 74 of the Oklahoma Statutes or
21 the nursing care component of a continuum of care facility, as such
22 term is defined under the Continuum of Care and Assisted Living Act,
23 to the extent that the facility constructed or operated by an entity

1 described in paragraph 7 of subsection B of Section 6201 of Title 74
2 of the Oklahoma Statutes contains such a nursing care component;

3 12. "Residential care home" means any home, establishment, or
4 institution licensed pursuant to the provisions of the Residential
5 Care Act other than a hotel, motel, fraternity or sorority house, or
6 college or university dormitory, which offers or provides
7 residential accommodations, food service, and supportive assistance
8 to any of its residents or houses any resident requiring supportive
9 assistance. The residents shall be persons who are ambulatory and
10 essentially capable of managing their own affairs, but who do not
11 routinely require nursing care; provided, the term residential care
12 home shall not mean a hotel, motel, fraternity or sorority house, or
13 college or university dormitory, if the facility operates in a
14 manner customary to its description and does not house any person
15 who requires supportive assistance from the facility in order to
16 meet an adequate level of daily living;

17 13. "Licensee" means the person, a corporation, partnership, or
18 association who is the owner of the facility which is licensed by
19 the Department pursuant to the provisions of the Nursing Home Care
20 Act;

21 14. "Maintenance" means meals, shelter, and laundry services;

22 15. "Medication preparation" means any licensed nurse,
23 performing duties within the scope of their licensure as established

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1 by the Oklahoma Board of Nursing, may prepare medications for
2 administration including the reconstitution of said medications;

3 16. "Neglect" means failure to provide goods and/or services
4 necessary to avoid physical harm, mental anguish, or mental illness;

5 ~~16.~~ 17. "Owner" means a person, corporation, partnership,
6 association, or other entity which owns a facility or leases a
7 facility. The person or entity that stands to profit or lose as a
8 result of the financial success or failure of the operation shall be
9 presumed to be the owner of the facility. Notwithstanding the
10 foregoing, any nonstate governmental entity that has acquired and
11 owns or leases a facility and that has entered into an agreement
12 with the Oklahoma Health Care Authority to participate in the
13 nursing facility supplemental payment program (UPL Owner) shall be
14 deemed the owner of such facility and shall be authorized to obtain
15 management services from a management services provider (UPL
16 Manager), and to delegate, allocate, and assign as between the UPL
17 Owner and UPL Manager, compensation, profits, losses, liabilities,
18 decision-making authority, and responsibilities, including
19 responsibility for the employment, direction, supervision, and
20 control of the facility's administrator and staff;

21 ~~17.~~ 18. "Personal care" means assistance with meals, dressing,
22 movement, bathing or other personal needs or maintenance, or general
23 supervision of the physical and mental well-being of a person, who
24 is incapable of maintaining a private, independent residence, or who

1 is incapable of managing his or her person, whether or not a
2 guardian has been appointed for such person;

3 ~~18.~~ 19. "Resident" means a person residing in a facility due to
4 illness, physical or mental infirmity, or advanced age;

5 ~~19.~~ 20. "Representative of a resident" means a court-appointed
6 guardian or, if there is no court-appointed guardian, the parent of
7 a minor, a relative, or other person, designated in writing by the
8 resident; provided, that any owner, operator, administrator, or
9 employee of a facility subject to the provisions of the Nursing Home
10 Care Act, the Residential Care Act, or the Group Homes for Persons
11 with Developmental or Physical Disabilities Act shall not be
12 appointed guardian or limited guardian of a resident of the facility
13 unless the owner, operator, administrator, or employee is the spouse
14 of the resident, or a relative of the resident within the second
15 degree of consanguinity and is otherwise eligible for appointment;
16 and

17 ~~20.~~ 21. "Supportive assistance" means the service rendered to
18 any person which is less than the service provided by a nursing
19 facility but which is sufficient to enable the person to meet an
20 adequate level of daily living. Supportive assistance includes but
21 is not limited to housekeeping, assistance in the preparation of
22 meals, assistance in the safe storage, distribution, and
23 administration of medications, and assistance in personal care as is
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1 necessary for the health and comfort of such person. Supportive
2 assistance shall not include medical service.

3 SECTION 2. This act shall become effective November 1, 2025.

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