

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2835

By: Gann

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8 COMMITTEE SUBSTITUTE

9 An Act relating to sunset; amending 63 O.S. 2011,
10 Section 1-1923, as amended by Section 1, Chapter 60,
11 O.S.L. 2014 (63 O.S. Supp. 2019, Section 1-1923),
12 which relates to the Long-Term Care Facility Advisory
13 Board; re-creating the Board; and modifying
14 termination date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1923, as
17 amended by Section 1, Chapter 60, O.S.L. 2014 (63 O.S. Supp. 2019,
18 Section 1-1923), is amended to read as follows:

19 Section 1-1923. A. There is hereby re-created, to continue
20 until July 1, ~~2020~~ 2021, in accordance with the provisions of the
21 Oklahoma Sunset Law, a Long-Term Care Facility Advisory Board which
22 shall be composed as follows:

23 1. The Governor shall appoint a twenty-seven-member Long-Term
24 Care Facility Advisory Board which shall advise the State

1 Commissioner of Health. The Advisory Board shall be comprised of
2 the following persons:

- 3 a. one representative from the Office of the State Fire
4 Marshal, designated by the State Fire Marshal,
- 5 b. one representative from the Oklahoma Health Care
6 Authority, designated by the Administrator,
- 7 c. one representative from the Department of Mental
8 Health and Substance Abuse Services, designated by the
9 Commissioner of Mental Health and Substance Abuse
10 Services,
- 11 d. one representative from the Department of Human
12 Services, designated by the Director of Human
13 Services,
- 14 e. one member who shall be a licensed general
15 practitioner of the medical profession,
- 16 f. one member who shall be a general practitioner of the
17 osteopathic profession,
- 18 g. one member who shall be a registered pharmacist,
- 19 h. one member who shall be a licensed registered nurse,
- 20 i. one member who shall be a licensed practical nurse,
- 21 j. three members who shall be of reputable and
22 responsible character and sound physical and mental
23 health and shall be operator-administrators of nursing
24 homes which have current licenses issued pursuant to

1 the Nursing Home Care Act and who shall have had five
2 (5) years' experience in the nursing home profession
3 as operator-administrators,

4 k. three members who shall be residential care home
5 operator-administrators licensed pursuant to the
6 provisions of the Residential Care Act,

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

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

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

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

22 3. The initial appointments of the Governor shall be for the
23 following terms:
24

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

1 Act, one individual representing facilities subject to
2 the provisions of the Adult Day Care Act, and one
3 individual representing continuum of care facilities
4 and assisted living centers subject to the provisions
5 of the Continuum of Care and Assisted Living Act, and
6 g. the initial terms for the six members of the general
7 public over the age of sixty-five (65) shall be for
8 one-, two-, three-, four-, five- and six-year terms
9 respectively; and

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

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

23 C. The Advisory Board shall annually elect a chair, vice-chair
24 and secretary-treasurer, shall meet at least quarterly, and may hold

1 such special meetings as may be necessary. The members of the
2 Advisory Board shall be reimbursed as provided for by the State
3 Travel Reimbursement Act.

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

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

11 2. Review, make recommendations regarding, and approve in its
12 advisory capacity the system of standards developed by the
13 Department;

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

22 4. Evaluate and review financial accountability standards,
23 policies and practices of residential care facilities regarding
24 residents' funds for which the facility is the payee, and evaluate

1 and review expenditures made on behalf of the resident by the
2 facility to ensure that such funds are managed appropriately and in
3 the best interests of the resident; and

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

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13 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
14 02/18/2020 - DO PASS, As Amended.
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