

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1380 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Mark Lepak \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 1380

By: Bergstrom of the Senate

and

Lepak of the House

6  
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9 FLOOR SUBSTITUTE

10 [ long-term care - State Commissioner of Health -  
11 input - codification - effective date ]  
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15 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-1908.2 of Title 63, unless  
18 there is created a duplication in numbering, reads as follows:

19 For the purpose of modernizing and improving the licensure and  
20 regulatory system for intermediate care facilities for individuals  
21 with intellectual disabilities (ICFs/IID), on or before the  
22 effective date of this act, the State Commissioner of Health shall  
23 update rules governing ICFs/IID including, but not limited to, rules  
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1 pertaining to direct care staffing ratios and direct care staff  
2 training and qualifications. Such rules shall consider the  
3 standards provided by federal regulation, shall take into account  
4 the unique setting of ICFs/IID and the needs of residents served,  
5 and may alter requirements or standards based on factors determined  
6 by the Commissioner including, but not limited to, size of a  
7 facility or acuity of the residents. In promulgating such rules,  
8 the Commissioner shall consider input from stakeholders including,  
9 but not limited to, associations representing long-term care  
10 facilities, staff, or residents.

11 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1902, is  
12 amended to read as follows:

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

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

17 2. "Access" means the right of a person to enter a facility to  
18 communicate privately and without unreasonable restriction when  
19 invited to do so by a resident. The state or local "ombudsman", as  
20 that term is defined by the Aging Services Division of the  
21 Department of Human Services pursuant to the Older Americans' Act,  
22 42 U.S.C.A., Section 3001 et seq., as amended, and a case manager  
23 employed by the Department of Mental Health and Substance Abuse  
24 Services or one of its contract agencies shall have right of access

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

9       7. "Commissioner" means 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  
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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,  
13 or 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 his or her licensure as  
24 established by the Oklahoma Board of Nursing, may prepare

1 medications for administration including the reconstitution of said  
2 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 the  
11 Developmentally Disabled or Physically Handicapped Persons Act shall  
12 not be appointed guardian or limited guardian of a resident of the  
13 facility unless the owner, operator, administrator or employee is  
14 the spouse of the resident, or a relative of the resident within the  
15 second degree of consanguinity and is otherwise eligible for  
16 appointment; 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.

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4 SECTION 3. This act shall become effective November 1, 2024.

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