

1 **SENATE FLOOR VERSION**

2 April 3, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 1205

6 By: Bush of the House

7 and

8 McCortney of the Senate

9 **[ public health and safety - Oklahoma Home- and**  
10 **Community-Based Services Ombudsman Program Task Force**  
11 **- codification ]**

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 1-2218 of Title 63, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. There is hereby created the Oklahoma Home- and Community-  
18 Based Services Ombudsman Program Task Force (Task Force). The  
19 purpose of the Task Force shall be to research, compile data, and  
20 make a recommendation to the Governor, the Speaker of the House of  
21 Representatives, and the President Pro Tempore of the Senate  
22 regarding the creation of an ombudsman program to serve recipients  
23 of in-home and community-based care and services.

1 B. The Task Force's recommendations shall be based on its  
2 findings, and shall include, but not be limited to:

3 1. The mission of such an ombudsman program and its proposed  
4 legislative authority, to include advocacy for persons receiving  
5 home/community-based services;

6 2. The proposed placement of the program;

7 3. The governance of the program;

8 4. The roles and responsibilities of any recommended staff  
9 positions in the program;

10 5. Identification of interfacing agencies and/or organizations;

11 6. Proposed quality standards; and

12 7. A plan to ensure that the public is informed of the  
13 existence of a State Home- and Community-Based Services Ombudsman  
14 Program that is created and the services to be provided by such  
15 program.

16 C. The Task Force shall consist of the following members:

17 1. The current Oklahoma State Long-Term Care Ombudsman;

18 2. One Long-Term Care Ombudsman Supervisor employed by an Area  
19 Agency on Aging, designated by the State Long-Term Care Ombudsman;

20 3. The Executive Director of the Oklahoma Association for Home  
21 Care and Hospice;

22 4. A representative from one current in-home and community-  
23 based care provider association, appointed by the Governor;

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1           5. Two persons with no financial interest in any long-term care  
2 provider entity who currently have a family member or friend  
3 receiving ADvantage in-home and community-based long-term care  
4 services, appointed as follows: one appointed by the President Pro  
5 Tempore of the Senate and one appointed by the Speaker of the House  
6 of Representatives;

7           6. One member representing the Oklahoma Aging Partnership  
8 Strategy Committee, selected by the co-coordinators of that  
9 Committee;

10          7. One member from the Oklahoma Health Care Authority, selected  
11 by the Director of the Oklahoma Health Care Authority;

12          8. One member from the State Department of Health, selected by  
13 the Commissioner of Health;

14          9. Two persons with no financial interest in any long-term care  
15 provider entity who currently have a family member or friend  
16 receiving the Department of Disability Services home- and community-  
17 based services (DDS HCBS) appointed as follows:

18           a. one representing the DDS In-Home Supports Waiver  
19                appointed by the President Pro Tempore of the Senate,  
20                and

21           b. one representing the Community-Based Waiver receiving  
22                services in a nonresidential placement selected by the  
23                Speaker of the House of Representatives;

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1        10. One member representing the Oklahoma Developmental  
2 Disabilities Council. This member shall be a self-advocate  
3 currently receiving DDS HCBS or a family member of a person  
4 currently receiving DDS HCBS and selected by the Oklahoma  
5 Developmental Disabilities Council;

6        11. One member representing the Oklahoma Protection and  
7 Advocacy System, selected by the executive director of the Oklahoma  
8 Disability Law Center; and

9        12. The executive director, or his or her designee, from the  
10 Oklahoma Association of Centers for Independent Living.

11        D. Members of the Task Force shall serve at the pleasure of the  
12 appointing authority. Vacancies in a position shall be filled in  
13 the same manner as the original appointment. The members of the  
14 Task Force shall elect a chairperson at its initial meeting.

15        E. The Task Force shall hold its first meeting no later than  
16 October 1, 2019, shall meet monthly, and shall publish a report of  
17 its final plan no later than September 30, 2020, the date on which  
18 members' terms shall end.

19        F. The Task Force shall serve without compensation except  
20 actual and necessary travel expenses as authorized by the State  
21 Travel Reimbursement Act.

22        G. The Task Force may use the expertise and services of the  
23 staff of Aging Services in the Department of Human Services, the  
24 Oklahoma Health Care Authority, and the State Department of Health.

1 H. Proceedings of all meetings of the Task Force shall comply  
2 with the provisions of the Oklahoma Open Meeting Act.

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
4 April 3, 2019 - DO PASS AS AMENDED  
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