

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1266

By: Walker

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 1-890.3, as amended by Section
9 1, Chapter 199, O.S.L. 2012 (63 O.S. Supp. 2014,
10 Section 1-890.3), which relates to the promulgation
11 of certain rules by the State Board of Health;
12 requiring Board to promulgate certain rule
13 prohibiting facility staff from disclosing financial
14 information of resident; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-890.3, as
18 amended by Section 1, Chapter 199, O.S.L. 2012 (63 O.S. Supp. 2014,
19 Section 1-890.3), is amended to read as follows:

20 Section 1-890.3 A. The State Board of Health shall promulgate
21 rules necessary to implement the provisions of the Continuum of Care
22 and Assisted Living Act. Such rules shall include, but shall not be
23 limited to:

24 1. A uniform comprehensive resident screening instrument to
measure the needs and capabilities of residents in all settings and
to determine appropriate placements of residents;

1 2. Physical plant requirements meeting construction and life
2 safety codes, with provisions accommodating resident privacy and
3 independence in assisted living centers and in assisted living
4 components of continuum of care facilities based on the variable
5 capabilities of residents;

6 3. Staffing levels responsive to the variable needs of
7 residents, with provisions for sharing of staff between components
8 in a continuum of care facility;

9 4. Standards for measuring quality outcomes for residents;

10 5. Provisions for individualized services chosen by and
11 designed for each resident;

12 6. Provisions to prohibit facility staff from disclosing a
13 resident's financial information to third parties without written
14 consent of the resident or the designated representative of the
15 resident;

16 7. Procedures for inspections and investigations of licensed
17 entities to ensure compliance with the Continuum of Care and
18 Assisted Living Act and rules promulgated by the Board;

19 ~~7.~~ 8. Enumeration of resident rights and responsibilities to be
20 observed by each facility and its staff. Such resident rights shall
21 include the freedom of choice regarding any personal attending
22 physicians and all other providers of medical services and supplies
23 without a financial penalty or fee charged by the assisted living
24 center;

1 ~~8.~~ 9. Provisions for a surety bond or deposit from each
2 applicant in an amount sufficient to guarantee that obligations to
3 residents will be performed, with provisions for reduction or waiver
4 of the surety bond or deposit when the assets of the applicant or
5 its contracts with other persons are sufficient to reasonably ensure
6 the performance of its obligations;

7 ~~9.~~ 10. Provisions for the development of a consumer guide or
8 similar resource to be posted on the Internet website of the State
9 Department of Health to assist individuals and families in
10 understanding the services provided by assisted living centers and
11 to compare and select a facility; and

12 ~~10.~~ 11. Provisions for posting results of routine inspections
13 and any complaint investigations of each assisted living center on
14 the Internet website of the Department. Such information shall be
15 regularly updated to include the facility's plan of correction and
16 to indicate when a violation of a licensing regulation was corrected
17 by the facility.

18 B. The nursing care service of a continuum of care facility
19 shall be subject to the requirements, procedures and remedies set
20 out in the Nursing Home Care Act, including provisions relating to
21 resident rights.

22 C. The adult day care component of a continuum of care facility
23 shall be subject to requirements and procedures specified under the
24 Adult Day Care Act.

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SECTION 2. This act shall become effective November 1, 2015.

55-1-5101 AM 12/05/14