

1 ENGROSSED HOUSE  
2 BILL NO. 1266

By: Walker of the House

3 and

4 Stanislawski of the Senate  
5  
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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.

