

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2358

By: Lawson

AS INTRODUCED

An Act relating to poor persons; amending 56 O.S. 2011, Section 1025.1, as amended by Section 37, Chapter 475, O.S.L. 2019 (56 O.S. Supp. 2020, Section 1025.1), which relates to definitions; adding terms; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2011, Section 1025.1, as amended by Section 37, Chapter 475, O.S.L. 2019 (56 O.S. Supp. 2020, Section 1025.1), is amended to read as follows:

Section 1025.1 For the purposes of this chapter:

1. "Area of concern" or "AOC" means an issue that does not rise to the level of abuse or neglect but may constitute possible deficiencies, irregularities or deviations from policies and best practices which have the potential to impact the health, safety or welfare of service recipients;

2. "Bureau" means the Oklahoma State Bureau of Investigation;

~~2.~~ 3. "Community services provider" means a community-based program, corporation, or individual who contracts with, or is

1 licensed or funded by, the Department of Human Services to provide
2 residential or vocational services to persons who are elderly or
3 persons with intellectual or developmental disabilities, or
4 contracts with the Oklahoma Health Care Authority to provide
5 services to individuals with intellectual disabilities through a
6 Home and Community-Based Waiver, except a private ICF/IID;

7 ~~3.~~ 4. "Community services worker" means any person employed by
8 or under contract with a community services provider who provides,
9 for compensation or as a volunteer, health-related services,
10 training, or supportive assistance to persons who are elderly or
11 persons with developmental disabilities, and who is not a licensed
12 health professional or any person who contracts with the Oklahoma
13 Health Care Authority to provide specialized foster care,
14 habilitation training specialist services, or homemaker services to
15 persons with developmental disabilities;

16 ~~4.~~ 5. "Department" means the Department of Human Services;

17 ~~5.~~ 6. "Developmental disability" means a severe, chronic
18 disability of a person which:

- 19 a. is attributable to a mental or physical impairment or
20 combination of mental and physical impairments, such
21 as an intellectual development disorder, cerebral
22 palsy, or autism,
- 23 b. is manifested before the person attains twenty-two
24 (22) years of age,

- 1 c. is likely to continue indefinitely,
- 2 d. results in substantial functional limitations in three
- 3 or more of the following areas of major life activity:
- 4 (1) self-care,
- 5 (2) receptive and expressive language,
- 6 (3) learning,
- 7 (4) mobility,
- 8 (5) self-direction,
- 9 (6) capacity for independent living, and
- 10 (7) economic self-sufficiency, and
- 11 e. reflects the person's need for a combination and
- 12 sequence of special, interdisciplinary, or generic
- 13 care, treatment, or other services which are of
- 14 lifelong or extended duration and are individually
- 15 planned and coordinated;

16 ~~6.~~ 7. "Health-related services" means those services provided

17 by community services providers or community services workers to

18 persons who are elderly or persons with developmental disabilities

19 that include, but are not limited to, personal hygiene,

20 transferring, range of motion, supervision or assistance in

21 activities of daily living, basic nursing care such as taking

22 temperature, pulse or respiration, positioning, incontinent care,

23 and identification of signs and symptoms of disease. Certain tasks

24 that may be performed as basic nursing care by community services

1 workers require appropriate training provided or approved by the
2 Department, written agreement by the service recipient's personal
3 support team, and the primary care physician's acknowledgement and
4 specific order related to the task. Under such circumstances, basic
5 nursing care may include, but need not be limited to:

- 6 a. nutrition, including meals by gastrostomy tube or
7 jejeunostomy tube,
- 8 b. blood glucose monitoring,
- 9 c. ostomy bag care,
- 10 d. oral suctioning, and
- 11 e. administration of oral metered dose inhalers and
12 nebulizers;

13 ~~7.~~ 8. "Supportive assistance" means the service rendered to
14 persons with developmental disabilities which is sufficient to
15 enable such person to meet an adequate level of daily living.
16 Supportive assistance includes, but is not limited to, training,
17 supervision, assistance in housekeeping, assistance in the
18 preparation of meals, and assistance in activities of daily living
19 as necessary for the health and comfort of persons with
20 developmental disabilities;

21 ~~8.~~ 9. "Maltreatment" means abuse, verbal abuse, sexual abuse,
22 neglect, financial neglect, exploitation or sexual exploitation of
23 vulnerable adults as defined in Section 10-103 of Title 43A of the
24 Oklahoma Statutes or abuse, neglect, sexual abuse or sexual

1 exploitation of children as defined in Section 1-1-105 of Title 10A
2 of the Oklahoma Statutes;

3 ~~9.~~ 10. "Personal care" means a level of assistance provided in
4 the home of an individual to meet the individual's activities of
5 daily living needs such as bathing, grooming, meal preparation,
6 light housekeeping, laundry, and care plan-directed errands;

7 ~~10.~~ 11. "Medicaid personal care services provider" means a
8 program, corporation or individual who provides services under the
9 state Medicaid program personal care program or ADvantage Waiver to
10 individuals who are elderly or who have a physical disability;

11 ~~11.~~ 12. "Medicaid personal care assistant" means a person who
12 provides Medicaid services funded under the state Medicaid program
13 personal care program, who is not a certified nurse aide or a
14 licensed professional;

15 13. "Reported information" means information reported to the
16 agency during the investigative process which may be appropriate for
17 internal administrative action but does not have the potential to
18 impact the health, safety or welfare of services recipients, has not
19 been verified as true, and is for informational purposes only;

20 ~~12.~~ 14. "Specialized foster care" means the home- and
21 community-based service as defined in the 1915(c) waiver approved by
22 the Centers for Medicare and Medicaid Services;

23
24

1 ~~13.~~ 15. "Habilitation training specialist services" means the
2 home- and community-based service as defined in the 1915(c) waiver
3 approved by the Centers for Medicare and Medicaid Services; and

4 ~~14.~~ 16. "Homemaker services" means the home- and community-
5 based service as defined in the 1915(c) waiver approved by the
6 Centers for Medicare and Medicaid Services.

7 SECTION 2. This act shall become effective November 1, 2021.

8

9 58-1-5712 CMA 12/21/20

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24