



1 42 U.S.C.A., Section 3001 et seq., as amended, and a case manager  
2 employed by the Department of Mental Health and Substance Abuse  
3 Services or one of its contract agencies shall have right of access  
4 to enter a facility, communicate privately and without unreasonable  
5 restriction with any resident who consents to the communication, to  
6 seek consent to communicate privately and without restriction with  
7 any resident, and to observe all areas of the facility that directly  
8 pertain to the patient care of the resident without infringing upon  
9 the privacy of the other residents without first obtaining their  
10 consent;

11 3. "Administrator" means the person licensed by the State of  
12 Oklahoma who is in charge of a facility. An administrator must  
13 devote at least one-third (1/3) of such person's working time to on-  
14 the-job supervision of the facility; provided that this requirement  
15 shall not apply to an administrator of an intermediate care facility  
16 for the mentally retarded with sixteen or fewer beds (ICF-MR/16), in  
17 which case the person licensed by the state may be in charge of more  
18 than one ICF-MR/16 facility, if such facilities are located within a  
19 circle that has a radius of not more than fifteen (15) miles, the  
20 total number of facilities and beds does not exceed six facilities  
21 and sixty-four beds, and each ICF-MR/16 facility is supervised by a  
22 qualified mental retardation professional. The facilities may be  
23 free-standing in a community or may be on campus with a parent  
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1 institution. The ICF-MR/16 may be independently owned and operated  
2 or may be part of a larger institutional operation;

3 4. "Advisory Board" means the Long-Term Care Facility Advisory  
4 Board;

5 5. "Adult companion home" means any home or establishment,  
6 funded and certified by the Department of Human Services, which  
7 provides homelike residential accommodations and supportive  
8 assistance to three or fewer mentally retarded or developmentally  
9 disabled adults;

10 6. "Board" means State Board of Health;

11 7. "Commissioner" means State Commissioner of Health;

12 8. "Department" means the State Department of Health;

13 9. "Facility" means a nursing facility and a specialized home;  
14 provided, this term shall not include a residential care home or an  
15 adult companion home;

16 10. "Nursing facility" means a home, an establishment or an  
17 institution, a distinct part of which is primarily engaged in  
18 providing:

- 19 a. skilled nursing care and related services for  
20 residents who require medical or nursing care,  
21 b. rehabilitation services for the rehabilitation of  
22 injured, disabled, or sick persons, or  
23 c. on a regular basis, health-related care and services  
24 to individuals who because of their mental or physical

1 condition require care and services beyond the level  
2 of care provided by a residential care home and which  
3 can be made available to them only through a nursing  
4 facility.

5 "Nursing facility" does not mean, for purposes of Section 1-851.1 of  
6 this title, a facility constructed or operated by an entity  
7 described in paragraph 7 of subsection B of Section 6201 of Title 74  
8 of the Oklahoma Statutes or the nursing care component of a  
9 continuum of care facility, as such term is defined under the  
10 Continuum of Care and Assisted Living Act, to the extent that the  
11 facility constructed or operated by an entity described in paragraph  
12 7 of subsection B of Section 6201 of Title 74 of the Oklahoma  
13 Statutes contains such a nursing care component;

14 11. "Specialized facility" means any home, establishment, or  
15 institution which offers or provides inpatient long-term care  
16 services on a twenty-four-hour basis to a limited category of  
17 persons requiring such services, including but not limited to a  
18 facility providing health or habilitation services for mentally  
19 retarded or developmentally disabled persons, but does not mean, for  
20 purposes of Section 1-851.1 of this title, a facility constructed or  
21 operated by an entity described in paragraph 7 of subsection B of  
22 Section 6201 of Title 74 of the Oklahoma Statutes or the nursing  
23 care component of a continuum of care facility, as such term is  
24 defined under the Continuum of Care and Assisted Living Act, to the

1 extent that the facility constructed or operated by an entity  
2 described in paragraph 7 of subsection B of Section 6201 of Title 74  
3 of the Oklahoma Statutes contains such a nursing care component;

4 12. "Residential care home" means any home, establishment, or  
5 institution licensed pursuant to the provisions of the Residential  
6 Care Act other than a hotel, motel, fraternity or sorority house, or  
7 college or university dormitory, which offers or provides  
8 residential accommodations, food service, and supportive assistance  
9 to any of its residents or houses any resident requiring supportive  
10 assistance. The residents shall be persons who are ambulatory and  
11 essentially capable of managing their own affairs, but who do not  
12 routinely require nursing care; provided, the term "residential care  
13 home" shall not mean a hotel, motel, fraternity or sorority house,  
14 or college or university dormitory, if the facility operates in a  
15 manner customary to its description and does not house any person  
16 who requires supportive assistance from the facility in order to  
17 meet an adequate level of daily living;

18 13. "Licensee" means the person, a corporation, partnership, or  
19 association who is the owner of the facility which is licensed by  
20 the Department pursuant to the provisions of the Nursing Home Care  
21 Act;

22 14. "Maintenance" means meals, shelter, and laundry services;

23 15. "Neglect" means failure to provide goods and/or services  
24 necessary to avoid physical harm, mental anguish, or mental illness;

1       16. "Owner" means a person, corporation, partnership,  
2 association, managing entity, or other entity which owns a facility  
3 or leases a facility. The person or entity that stands to profit or  
4 lose as a result of the financial success or failure of the  
5 operation shall be presumed to be the owner of the facility;

6       17. "Personal care" means assistance with meals, dressing,  
7 movement, bathing or other personal needs or maintenance, or general  
8 supervision of the physical and mental well-being of a person, who  
9 is incapable of maintaining a private, independent residence, or who  
10 is incapable of managing his person, whether or not a guardian has  
11 been appointed for such person;

12       18. "Resident" means a person residing in a facility due to  
13 illness, physical or mental infirmity, or advanced age;

14       19. "Representative of a resident" means a court-appointed  
15 guardian or, if there is no court-appointed guardian, the parent of  
16 a minor, a relative, or other person, designated in writing by the  
17 resident; provided, that any owner, operator, administrator or  
18 employee of a facility subject to the provisions of the Nursing Home  
19 Care Act, the Residential Care Act, or the Group Homes for the  
20 Developmentally Disabled or Physically Handicapped Persons Act shall  
21 not be appointed guardian or limited guardian of a resident of the  
22 facility unless the owner, operator, administrator or employee is  
23 the spouse of the resident, or a relative of the resident within the  
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1 second degree of consanguinity and is otherwise eligible for  
2 appointment; and

3 20. "Supportive assistance" means the service rendered to any  
4 person which is less than the service provided by a nursing facility  
5 but which is sufficient to enable the person to meet an adequate  
6 level of daily living. Supportive assistance includes but is not  
7 limited to housekeeping, assistance in the preparation of meals,  
8 assistance in the safe storage, distribution, and administration of  
9 medications, and assistance in personal care as is necessary for the  
10 health and comfort of such person. Supportive assistance shall not  
11 include medical service.

12 SECTION 2. This act shall become effective November 1, 2016.

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14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
15 02/25/2016 - DO PASS, As Amended and Coauthored.

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