

1 **SENATE FLOOR VERSION**

2 April 5, 2021

3 ENGROSSED HOUSE
4 BILL NO. 2566

5 By: Caldwell (Chad), Davis,
6 West (Tammy), Stark,
7 Conley, Dills, Boles, Lepak
8 and Russ of the House

9 and

10 McCortney of the Senate

11 An Act relating to long-term care; providing for
12 visitation of residents in long-term care facilities;
13 defining term; providing for health care provider
14 access to residents of long-term care facilities;
15 requiring long-term care facilities to submit and
16 make available certain procedures; allowing
17 restrictions by the State Department of Health or
18 Centers for Medicare and Medicaid Services;
19 prohibiting unilateral elimination of visitation;
20 allowing for temporary suspension of visitation in
21 certain circumstances; providing for codification;
22 and declaring an emergency.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-1919.1 of Title 63, unless
there is created a duplication in numbering, reads as follows:

A. Except as provided by Section 10-111 of Title 43A of the
Oklahoma Statutes, every long-term care facility, as defined in
Section 1-1945 of Title 63 of the Oklahoma Statutes, must provide

1 reasonable access to a resident by immediate family, compassionate
2 caregivers, other relatives of the resident, essential support
3 persons, and the Oklahoma Long-Term Care Ombudsman subject to the
4 resident's or, if they are incapacitated, their legally appointed
5 representative's right to deny or withdraw consent at any time.
6 Compassionate caregivers may be family members, friends, volunteers,
7 or other individuals identified by a resident, the resident's
8 family, or facility staff, who assist residents with activities of
9 daily living, such as bathing, dressing, and eating, or who provide
10 emotional, mental, or spiritual support to residents.

11 B. Every long-term care facility must provide reasonable access
12 to a resident by health care providers who are contracted with the
13 facility to provide such care, subject to the resident's right to
14 deny or withdraw consent at any time.

15 C. Long-term care facilities shall include and submit to the
16 State Department of Health in their emergency-preparedness plan
17 procedures for visitation during an emergency. The visitation plan
18 shall be made available by the facility to contracted health care
19 providers, family members, essential support persons, and
20 compassionate caregivers upon request. Visitation and access
21 described in subsections A and B of this section may be subject to
22 reasonable clinical and safety restrictions as ordered by the State
23 Department of Health or the Centers for Medicare and Medicaid
24 Services.

1 D. No long-term care facility shall unilaterally eliminate
2 visitation for any reason; however, a facility may temporarily
3 suspend visitation for a period not to exceed seventy-two (72) hours
4 based upon the emergency-preparedness plan provided to the State
5 Department of Health.

6 SECTION 2. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
11 April 5, 2021 - DO PASS

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