

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1359

By: Treat

4
5
6 AS INTRODUCED

7 An Act relating to certificates of need; amending 63
8 O.S. 2011, Section 1-853.1, as amended by Section 1,
9 Chapter 92, O.S.L. 2014 (63 O.S. Supp. 2015, Section
10 1-853.1), which relates to investigations; requiring
11 certain determination; clarifying language; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-853.1, as
15 amended by Section 1, Chapter 92, O.S.L. 2014 (63 O.S. Supp. 2015,
16 Section 1-853.1), is amended to read as follows:

17 Section 1-853.1. A. The investigation made pursuant to an
18 application by a not-for-profit life care community for a
19 certificate of need shall include a determination that the facility
20 constitutes a not-for-profit life care community pursuant to Section
21 4424 of Title 36 of the Oklahoma Statutes and shall further include:

22 1. The adequacy of financial resources for the acquisition,
23 expansion, or establishment of a new long-term care facility and for
24 the continued operation thereof;

1 2. The record of the applicant's current and prior ownership,
2 operation, and management of similar facilities in this state and in
3 any other state. The investigation of such record shall include,
4 but not be limited to, inquiry to the State Long-Term Care Ombudsman
5 Office, the state Medicaid Fraud Control Unit, and the state
6 licensure and certification agency;

7 3. If the applicant has holdings in Oklahoma, a review of
8 minutes of family councils and residents' councils, and the
9 facilities' responses, from each of the applicant's holdings in this
10 state; and

11 4. Any other matter which the Department deems necessary and
12 appropriate.

13 B. 1. The State Department of Health may approve an initial
14 certificate of need for a not-for-profit life care community for
15 nursing care beds that does not exceed twenty percent (20%) of the
16 total number of units in the life care community for which no
17 certificate of need is required.

18 2. Approval of the initial certificate of need shall include
19 open admission with respect to fifty percent (50%) of the nursing
20 care beds. With respect to the remaining nursing care beds, open
21 admission shall only be allowed during the first seven (7) years
22 following the initial licensure of nursing care beds in the life
23 care community.

1 3. Upon expiration of the one-time seven-year open admission
2 period, with respect to fifty percent (50%) of the nursing care
3 beds, a life care community that has obtained a certificate of need
4 pursuant to this section shall admit only the following persons to
5 its nursing care beds:

6 a. an individual who has executed a written agreement for
7 services with the facility and who has been a bona
8 fide resident of the portion of the life care
9 community for which a certificate of need bed is not
10 required for a period of at least thirty (30) days,

11 b. an individual who has executed a written agreement for
12 services with the facility and who has been a bona
13 fide resident of the portion of the life care
14 community for which a certificate of need bed is not
15 required for a period of less than thirty (30) days
16 and requires skilled care that was not originally
17 contemplated upon admission to the life care
18 community,

19 c. an individual who has executed a written agreement for
20 services with the facility and whose physician
21 certifies that the individual is likely to be able to
22 move to a portion of the life care community for which
23 a certificate of need bed is not required in thirty
24

1 (30) days or less after entering the life care
2 community, or

3 d. an individual who is a family member (spouse, parent,
4 child, sibling, aunt, uncle or first cousin by blood,
5 marriage or adoption) of an individual who has
6 executed a written agreement for services with the
7 facility and resides in the portion of the life care
8 community for which a certificate of need bed is not
9 required.

10 C. The State Department of Health may approve a subsequent
11 certificate of need for nursing care beds for a not-for-profit life
12 care community that has obtained a certificate of need pursuant to
13 this section when a subsequent application does not cause the
14 nursing care beds to exceed twenty percent (20%) of the total number
15 of units in the life care community for which no certificate of need
16 is required. No open admission period shall be authorized for the
17 additional nursing care beds.

18 D. The provisions of subsections B and C of this section shall
19 apply to all certificates of need previously or hereafter granted
20 pursuant to the provisions of this section.

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

22
23 55-2-2076 AM 1/21/2016 7:33:16 PM
24