

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1419 By: Gollihare of the Senate  
3 and  
4 Boatman of the House  
5  
6

7 [ state Medicaid program - program - standards -  
8 reimbursement - rules - application - Home Care Act  
9 - codification - effective date -  
10 emergency ]  
11  
12  
13  
14

15 AUTHOR: Add the following House Coauthor: Swope

16 AMENDMENT NO. 1. Strike the stricken title, enacting clause, and  
17 entire bill and insert:  
18

19 "[ state Medicaid program - program - standards -  
20 reimbursement - rules - application - Home Care Act  
21 - codification ]  
22  
23  
24

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 5013.2 of Title 63, unless there  
4 is created a duplication in numbering, reads as follows:

5 A. As used in this section:

6 1. "Family member" means a child, parent, parent-in-law,  
7 sibling, grandparent, grandchild, spouse, or any other individual  
8 related by blood, and any other individual with a close association  
9 that is the equivalent of a family relationship;

10 2. "Home care agency" and "skilled care" have the same meanings  
11 as provided by Section 1-1961 of Title 63 of the Oklahoma Statutes;  
12 and

13 3. "Member" and "enrollee" mean a person under the age of  
14 twenty-one (21) who is currently eligible for SoonerCare and  
15 approved to receive private duty nursing hours or paid family  
16 caregiver benefits in lieu of private duty nursing services.

17 B. Not later than one (1) year after the effective date of this  
18 act and subject to receipt of federal approval for the program, the  
19 Oklahoma Health Care Authority shall establish a program under which  
20 a family member of a Medicaid enrollee may be recognized as a family  
21 caregiver and, after receiving such recognition, may, under the  
22 direction and supervision of a registered nurse, provide services to  
23 the enrollee through a licensed home care agency under the  
24 reimbursement rates established under subsection F of this section,

1 provided that the enrollee qualifies for such services under the  
2 state Medicaid program.

3 C. 1. The program established under this section shall require  
4 the family caregiver to fulfill such requirements or meet such  
5 qualifications as may be prescribed by the Oklahoma Health Care  
6 Authority Board. Such requirements shall include, but not be  
7 limited to, completion of a criminal history background check.

8 2. The Board may prescribe standards for training, competency  
9 evaluation, and such other requirements or qualification criteria as  
10 the Board deems necessary and appropriate.

11 D. The Board shall establish scope of practice standards and  
12 restrictions for services that a recognized family caregiver may  
13 provide to a Medicaid enrollee. The scope of practice may include  
14 necessary and appropriate skilled care tasks. In establishing such  
15 standards and restrictions, the Board shall consider the advice of  
16 the State Department of Health.

17 E. It shall be the duty of the home care agency to ensure that  
18 a recognized family caregiver meets the qualifications and  
19 requirements prescribed by this section and rules promulgated by the  
20 Board.

21 F. Reimbursable services provided by a recognized family  
22 caregiver under the program established under this section shall be  
23 reimbursed to a home care agency at a rate established by the  
24 Authority.

1 G. 1. The Board shall promulgate rules as necessary to  
2 implement this section.

3 2. The Administrator of the Authority shall apply for such  
4 state plan amendments or waivers as may be necessary to implement  
5 this section and to secure federal financial participation for state  
6 Medicaid expenditures under the federal Medicaid program.

7 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1961, is  
8 amended to read as follows:

9 Section 1-1961. As used in the Home Care Act:

10 1. "Board" means the State Board of Health;

11 2. "Certification" means verification of appropriate training  
12 and competence established by the State Commissioner of Health by  
13 rules promulgated pursuant to the Home Care Act for home health  
14 aides and home care agency administrators;

15 3. "Department" means the State Department of Health;

16 4. "~~Healthcare~~ Health care provider" means a physician,  
17 physician assistant or Advanced Practice Registered Nurse recognized  
18 by the Oklahoma Board of Nursing as a ~~Certified Nurse Practitioner~~  
19 certified nurse practitioner or a ~~Clinical Nurse Specialist~~ clinical  
20 nurse specialist;

21 5. "Home care agency" means any sole proprietorship,  
22 partnership, association, corporation or other organization which  
23 administers, offers or provides home care services, for a fee or  
24 pursuant to a contract for such services, to clients in their place

1 of residence. The term ~~"home care agency"~~ home care agency shall  
2 not include:

3 a. individuals who contract with the Department of Human  
4 Services to provide personal care services, provided  
5 such individuals shall not be exempt from  
6 certification as home health aides,

7 b. organizations that contract with the Oklahoma Health  
8 Care Authority as ~~Intermediary Services Organizations~~  
9 ~~(ISO)~~ intermediary service organizations (ISOs) to  
10 provide federal Internal Revenue Service fiscal and  
11 supportive services to Consumer-Directed Personal  
12 Assistance ~~Supports and Services and Supports~~ (CD-  
13 PASS) waiver program participants who have employer  
14 responsibility for hiring, training, directing and  
15 managing an individual personal care attendant, or

16 c. CD-PASS waiver program employer participants;

17 6. "Home care services" means skilled or personal care services  
18 provided to clients in their place of residence for a fee;

19 7. "Home health aide" means an individual who provides personal  
20 care to clients in their temporary or permanent place of residence  
21 for a fee;

22 8. "Home care agency administrator" means a person who  
23 operates, manages, or supervises, or is in charge of a home care  
24 agency;

1 9. "Personal care" means assistance with dressing, bathing,  
2 ambulation, exercise or other personal needs;

3 10. "Skilled care" means home care services performed on a  
4 regular basis by:

5 a. a trained ~~Respiratory Therapist/Technician~~ or by  
6 respiratory therapist/technician,

7 b. a person currently licensed by this state including  
8 but not limited to a ~~Licensed Practical Nurse~~ licensed  
9 practical nurse, Registered Nurse registered nurse,  
10 ~~Physical Therapist~~ physical therapist, Occupational  
11 ~~Therapist~~ occupational therapist, Speech Therapist  
12 speech therapist, or Social Worker social worker, or

13 c. for the exclusive purpose of the program established  
14 under Section 1 of this act and subject to the scope  
15 of practice standards and restrictions established by  
16 the Authority under Section 1 of this act, a family  
17 member of a Medicaid enrollee who is recognized by the  
18 Authority as a family caregiver;

19 11. "Standby assistance" means supervision of client-directed  
20 activities with verbal prompting and infrequent, incidental hands-on  
21 intervention only; and

22 12. "Supportive home assistant" means an individual employed by  
23 a home care agency who provides standby assistance to ambulatory  
24 clients, in conjunction with other companionship or homemaker

1 services, in the temporary or permanent place of residence of the  
2 client for a fee."

3 Passed the House of Representatives the 23rd day of April, 2024.

4

5

6 Presiding Officer of the House of  
7 Representatives

8 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

9

10

11

Presiding Officer of the Senate

12

13

14

15

16

17

18

19

20

21

22

23

24

1 ENGROSSED SENATE  
2 BILL NO. 1419

By: Gollihare of the Senate

3 and

4 Boatman of the House

5  
6 [ state Medicaid program - program - standards -  
7 reimbursement - rules - application - Home Care Act -  
8 codification - effective date -  
9 emergency ]

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

11 SECTION 3. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 5013.2 of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. As used in this section:

15 1. "Family member" means a child, parent, parent-in-law,  
16 sibling, grandparent, grandchild, spouse, or any other individual  
17 related by blood, and any other individual with a close association  
18 that is the equivalent of a family relationship; and

19 2. "Home care agency" and "skilled care" have the same meanings  
20 as provided by Section 1-1961 of Title 63 of the Oklahoma Statutes.

21 B. Not later than one year after the effective date of this act  
22 and subject to receipt of federal approval for the program, the  
23 Oklahoma Health Care Authority shall establish a program under which  
24 a family member of a Medicaid enrollee may be recognized as a family



1 caregiver and, after receiving such recognition, may, under the  
2 direction and supervision of a Registered Nurse, provide services to  
3 the enrollee through a licensed home care agency under the  
4 reimbursement rates established under subsection F of this section,  
5 provided that the enrollee qualifies for such services under the  
6 state Medicaid program.

7 C. 1. The program established under this section shall require  
8 the family caregiver to fulfill such requirements or meet such  
9 qualifications as may be prescribed by the Oklahoma Health Care  
10 Authority Board. Such requirements shall include, but not be  
11 limited to, completion of a criminal history background check.

12 2. The Board may prescribe standards for training, competency  
13 evaluation, and such other requirements or qualification criteria as  
14 the Board deems necessary and appropriate.

15 D. The Board shall establish scope of practice standards and  
16 restrictions for services that a recognized family caregiver may  
17 provide to a Medicaid enrollee. The scope of practice may include  
18 necessary and appropriate skilled care tasks. In establishing such  
19 standards and restrictions, the Board shall consider the advice of  
20 the State Department of Health.

21 E. It shall be the duty of the home care agency to ensure that  
22 a recognized family caregiver meets the qualifications and  
23 requirements prescribed by this section and rules promulgated by the  
24 Board.

1 F. Reimbursable services provided by a recognized family  
2 caregiver under the program established under this section shall be  
3 reimbursed to a home care agency at a rate established by the  
4 Authority.

5 G. 1. The Board shall promulgate rules as necessary to  
6 implement this section.

7 2. The Administrator of the Authority shall apply for such  
8 state plan amendments or waivers as may be necessary to implement  
9 this section and to secure federal financial participation for state  
10 Medicaid expenditures under the federal Medicaid program.

11 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-1961, is  
12 amended to read as follows:

13 Section 1-1961. As used in the Home Care Act:

14 1. "Board" means the State Board of Health;

15 2. "Certification" means verification of appropriate training  
16 and competence established by the State Commissioner of Health by  
17 rules promulgated pursuant to the Home Care Act for home health  
18 aides and home care agency administrators;

19 3. "Department" means the State Department of Health;

20 4. ~~"Healthcare~~ "Health care provider" means a physician,  
21 physician assistant or Advanced Practice Registered Nurse recognized  
22 by the Oklahoma Board of Nursing as a Certified Nurse Practitioner  
23 or a Clinical Nurse Specialist;

24

1           5. "Home care agency" means any sole proprietorship,  
2 partnership, association, corporation or other organization which  
3 administers, offers or provides home care services, for a fee or  
4 pursuant to a contract for such services, to clients in their place  
5 of residence. The term ~~"home care agency"~~ home care agency shall  
6 not include:

7           a. individuals who contract with the Department of Human  
8 Services to provide personal care services, provided  
9 such individuals shall not be exempt from  
10 certification as home health aides,

11           b. organizations that contract with the Oklahoma Health  
12 Care Authority as Intermediary Services Organizations  
13 (ISO) to provide federal Internal Revenue Service  
14 fiscal and supportive services to Consumer-Directed  
15 Personal Assistance ~~Supports and Services~~ and Supports  
16 (CD-PASS) waiver program participants who have  
17 employer responsibility for hiring, training,  
18 directing and managing an individual personal care  
19 attendant, or

20           c. CD-PASS waiver program employer participants;

21           6. "Home care services" means skilled or personal care services  
22 provided to clients in their place of residence for a fee;  
23  
24

1 7. "Home health aide" means an individual who provides personal  
2 care to clients in their temporary or permanent place of residence  
3 for a fee;

4 8. "Home care agency administrator" means a person who  
5 operates, manages, or supervises, or is in charge of a home care  
6 agency;

7 9. "Personal care" means assistance with dressing, bathing,  
8 ambulation, exercise or other personal needs;

9 10. "Skilled care" means home care services performed on a  
10 regular basis by:

11 a. a trained ~~Respiratory Therapist/Technician~~ or by  
12 respiratory therapist/technician,

13 b. a person currently licensed by this state including  
14 but not limited to a Licensed Practical Nurse,  
15 Registered Nurse, ~~Physical Therapist~~ physical  
16 therapist, Occupational Therapist occupational  
17 therapist, Speech Therapist speech therapist, or  
18 ~~Social Worker~~ social worker, or

19 c. for the exclusive purpose of the program established  
20 under Section 1 of this act and subject to the scope  
21 of practice standards and restrictions established by  
22 the Authority under such section, a family member of a  
23 Medicaid enrollee who is recognized by the Authority  
24 as a family caregiver;

1 11. "Standby assistance" means supervision of client directed  
2 activities with verbal prompting and infrequent, incidental hands-on  
3 intervention only; and

4 12. "Supportive home assistant" means an individual employed by  
5 a home care agency who provides standby assistance to ambulatory  
6 clients, in conjunction with other companionship or homemaker  
7 services, in the temporary or permanent place of residence of the  
8 client for a fee.

9 SECTION 5. This act shall become effective July 1, 2024.

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

14 Passed the Senate the 12th day of March, 2024.

15

16

\_\_\_\_\_  
Presiding Officer of the Senate

17

18 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
19 2024.

20

21

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

22

23

24