

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 243

By: Daniels

AS INTRODUCED

An Act relating to long-term care; amending 63 O.S. 2021, Section 1-851.1, which relates to definitions used in the Long-term Care Certificate of Need Act; providing exception; repealing 63 O.S. 2021, Sections 1-880.1, 1-880.2, 1-880.3, 1-880.4, 1-880.5, 1-880.6, as amended by Section 1, Chapter 98, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-880.6), 1-880.7, 1-880.8, 1-880.9, 1-880.10, and 1-880.11, which relate to certificate of need for psychiatric or chemical dependency facility; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-851.1, is amended to read as follows:

Section 1-851.1. For purposes of the Long-term Care Certificate of Need Act:

1. "Board" means the State Board of Health;
2. "Commissioner" means the State Commissioner of Health;
3. "Department" means the State Department of Health;
4. "Long-term care facility" means:
 - a. a nursing facility or a specialized facility, as such terms are defined by Section 1-1902 of this title,

1 except that a specialized facility shall not include
2 an intermediate care facility for individuals with
3 intellectual disabilities,

4 b. skilled nursing care provided in a distinct part of a
5 hospital as such term is defined by Section 1-701 of
6 this title,

7 c. the nursing care component of a continuum of care
8 facility, as such term is defined under the Continuum
9 of Care and Assisted Living Act, or

10 d. the nursing care component of a life care community as
11 such term is defined by the ~~Long-term~~ Long-Term Care
12 Insurance Act;

13 5. "Disclosure statement" means a written statement by the
14 applicant which contains:

15 a. the full name, business address, and Social Security
16 number of the applicant, and all persons with
17 controlling interest as defined by the Long-term Care
18 Certificate of Need Act,

19 b. the full name and address of any legal entity in which
20 the applicant holds a debt or equity interest of at
21 least five percent (5%), or which is a parent company
22 or subsidiary of the applicant,

23 c. a description of the experience and credentials of the
24 applicant, including any past or present permits,

1 licenses, certifications, or operational
2 authorizations relating to long-term care facility
3 regulation,

4 d. a listing and explanation of any administrative, civil
5 or criminal legal actions against the applicant or any
6 person with a controlling interest which resulted in a
7 final agency order or final judgment by a court of
8 record including, but not limited to, final orders or
9 judgments on appeal related to long-term care in the
10 five (5) years immediately preceding the filing of the
11 application. Such actions shall include, without
12 limitation, any permit denial or any sanction imposed
13 by a state regulatory authority or the Centers for
14 Medicare and Medicaid Services, and

15 e. a listing of any federal long-term care agency and any
16 state long-term care agency outside this state that
17 has or has had regulatory responsibility over the
18 applicant;

19 6. "History of noncompliance" means three standard or complaint
20 surveys found to be at the substandard quality of care level when
21 the facility does not achieve compliance by date certain in a
22 nursing facility or specialized facility for persons with
23 Alzheimer's disease or related disorders. Additionally, "history of
24 noncompliance" for an intermediate care or specialized facility for

1 persons with intellectual disabilities means three consecutive
2 routine or complaint surveys that resulted in determinations that
3 the facility was out of compliance with two or more Conditions of
4 Participation in the Medicaid program within the preceding thirty-
5 six (36) months when the facility does not achieve compliance within
6 sixty (60) days;

7 7. "Person" means any individual, corporation, industry, firm,
8 partnership, association, venture, trust, institution, federal,
9 state or local governmental instrumentality, agency or body or any
10 other legal entity however organized; and

11 8. "Person with a controlling interest" means a person who
12 meets any one or more of the following requirements:

13 a. controls fifty percent (50%) or more of the common
14 stock of the corporate entity involved or controls
15 fifty percent (50%) or more of the interest in the
16 partnership involved,

17 b. controls a percentage of stock greater than any other
18 stockholder or equal to the other single largest
19 stockholder or controls a percentage of partnership
20 interest greater than any other partner or equal to
21 the other single largest partnership interest, or

22 c. a managing member of a Limited Liability Company
23 (LLC).

1 SECTION 2. REPEALER 63 O.S. 2021, Sections 1-880.1, 1-
2 880.2, 1-880.3, 1-880.4, 1-880.5, 1-880.6, as amended by Section 1,
3 Chapter 98, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-880.6), 1-
4 880.7, 1-880.8, 1-880.9, 1-880.10, and 1-880.11, are hereby
5 repealed.

6 SECTION 3. This act shall become effective November 1, 2023.

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