

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 829

By: Smalley

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5
6 AS INTRODUCED

7 An Act relating to Oklahoma Choices for Long-Term
8 Care Act; amending 56 O.S. 2011, Section 1017.1,
9 which relates to purpose of act; modifying
10 applicability of act; defining term; providing for
11 referrals to Program of All-Inclusive Care for the
12 Elderly (PACE); establishing timeframe to complete
13 care; establishing certain task force; providing
14 membership and purpose of task force; requiring
15 monthly meetings and certain recommendation by
16 certain date; permitting certain enrollment
17 practices; providing for codification; and providing
18 an effective date.

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

20 SECTION 1. AMENDATORY 56 O.S. 2011, Section 1017.1, is
21 amended to read as follows:

22 Section 1017.1. A. ~~Sections 1 through 5 of this act~~ Sections
23 1017.1 through 1017.6 of this title shall be known and may be cited
24 as the "Oklahoma Choices for Long-Term Care Act".

25 B. The purpose of the Oklahoma Choices for Long-Term Care Act
26 is to make long-term services and supports for citizens easily
27 accessible, cost-effective and of high quality and to provide a
28 comprehensive and systematic approach to addressing these needs.

1 The Oklahoma Choices for Long-Term Care Act shall provide older
2 Oklahomans and adults with physical disabilities the opportunity to
3 choose where they live and receive their services, and provide
4 efficient administration of the ADvantage Waiver Program.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1017.6 of Title 56, unless there
7 is created a duplication in numbering, reads as follows:

8 A. As used in this section, "Program of All-Inclusive Care of
9 the Elderly (PACE)" means a full-risk-bearing program that provides
10 comprehensive health services for individuals age sixty-five (65)
11 and over who are sufficiently frail to be categorized as nursing
12 home eligible by the state's Medicaid program. PACE shall be
13 reimbursed on a fixed per-member per-month rate, and, in return for
14 such fixed payment, is responsible for providing all health
15 services, including transportation.

16 B. 1. Beginning November 1, 2019, persons who are sixty-five
17 (65) years of age or greater and live within the defined service
18 area of a Program of All-Inclusive Care for the Elderly (PACE) shall
19 receive an automatic referral to the PACE organization from the
20 Department of Human Services prior to enrolling in any Long-Term
21 Supports and Services (LTSS) programming outlined in the Oklahoma
22 Choices for Long-Term Care Act.

23 2. Seniors who are being served by other LTSS programming
24 before November 1, 2019, who are sixty-five (65) years of age or
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1 greater and live within the defined service area of PACE shall be
2 referred to the PACE organization prior to any re-evaluation or
3 renewal of service period.

4 C. The PACE organization shall have sixty (60) calendar days
5 from documented receipt of referral to complete the level of care
6 and safety in the community determination.

7 D. 1. A task force shall be assembled to review the current
8 LTSS assessment and evaluation process to determine the necessity of
9 an improved assessment methodology.

10 2. The task force shall be comprised of:

- 11 a. three members of the Oklahoma Health Care Authority
12 Board selected by the Governor,
- 13 b. three representatives of the Department of Human
14 Services selected by the Director of the Department of
15 Human Services,
- 16 c. three representatives of providers of ADvantage Waiver
17 services selected by the Department of Human Services,
- 18 d. three representatives of PACE providers to be selected
19 by the Oklahoma Health Care Authority,
- 20 e. three representatives of providers of adult day care
21 services selected by the Protective Health Services,
22 Long-Term Care Division of the State Department of
23 Health, and

1 f. three representatives of the home care industry
2 selected by the State Department of Health.

3 3. The task force shall meet monthly and provide a formal
4 recommendation for continued evaluation methods and tools for LTSS
5 within one (1) calendar year of the first task force meeting.

6 E. The PACE organization shall be permitted to engage in
7 enrollment practices throughout the entirety of each month, to be
8 effective the first day of the following month.

9 SECTION 3. This act shall become effective November 1, 2019.

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