

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 888 By: David of the Senate
3 and
4 Bush of the House
5

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

14 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
15 and replace with:

16 "[Oklahoma Choices for Long-Term Care Act -
17 providing for referrals to Program of All-
18 Inclusive Care for the Elderly (PACE) - effective
19 date]

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

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

1 Section 1017.1 A. ~~Sections 1 through 5 of this act~~ Sections
2 1017.1 through 1017.5 of this title and Section 2 of this act shall
3 be known and may be cited as the "Oklahoma Choices for Long-Term
4 Care Act".

5 B. The purpose of the Oklahoma Choices for Long-Term Care Act
6 is to make long-term services and supports for citizens easily
7 accessible, cost-effective and of high quality and to provide a
8 comprehensive and systematic approach to addressing these needs.
9 The Oklahoma Choices for Long-Term Care Act shall provide older
10 Oklahomans and adults with physical disabilities the opportunity to
11 choose where they live and receive their services, and provide
12 efficient administration of the ADvantage Waiver Program.

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

16 A. As used in this section, "Program of All-Inclusive Care for
17 the Elderly (PACE)" means a full risk-bearing program that provides
18 comprehensive health services for individuals age fifty-five (55)
19 and over who are sufficiently frail to be categorized as nursing
20 home eligible by the state's Medicaid program. PACE shall be
21 reimbursed on a fixed per-member per-month rate and, in return for
22 such fixed payment, is responsible for providing all health
23 services, including transportation.

1 B. 1. Persons who are fifty-five (55) years of age or older,
2 or their legal guardians or lay caregivers, shall receive options
3 counseling for long-term care as defined in Section 3002.7 of Title
4 56 of the Oklahoma Statutes prior to the admission of a long-term
5 care facility, except in the case of an emergency admission.
6 Options counseling shall include, but not be limited to, PACE, if so
7 applicable, nursing facilities and home- and community-based
8 services.

9 2. In the case of an emergency admission, the options
10 counseling for long-term care shall take place within fourteen (14)
11 days or as soon as is reasonably possible.

12 3. Persons who are fifty-five (55) years of age or older and
13 live within the defined service area of a PACE provider shall
14 receive information regarding PACE as part of options counseling for
15 long-term care as defined in Section 3002.7 of Title 56 of the
16 Oklahoma Statutes.

17 4. Any person currently residing in a nursing facility shall be
18 able to receive options counseling for long-term care as defined in
19 Section 3002.7 of Title 56 of the Oklahoma Statutes at the person's,
20 or their legal guardian's or lay caregiver's, request or at the time
21 of any reevaluation or renewal of long-term care. Nothing in this
22 section shall require any person currently residing in a nursing
23 facility to receive options counseling if they do not desire to do
24 so.

1 ENGROSSED SENATE
2 BILL NO. 888

By: David of the Senate

and

Bush of the House

3
4
5
6 An Act relating to Oklahoma Choices for Long-Term
7 Care Act; amending 56 O.S. 2011, Section 1017.1,
8 which relates to purpose of act; modifying
9 applicability of act; defining term; providing for
10 referrals to Program of All-Inclusive Care for the
11 Elderly (PACE); establishing timeframe to complete
12 care; establishing certain task force; providing
13 membership and purpose of task force; requiring
14 monthly meetings and certain recommendation by
15 certain date; permitting certain enrollment
16 practices; providing for codification; and providing
17 an effective date.

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

19 SECTION 4. AMENDATORY 56 O.S. 2011, Section 1017.1, is
20 amended to read as follows:

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

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

1 Oklahomans and adults with physical disabilities the opportunity to
2 choose where they live and receive their services, and provide
3 efficient administration of the ADvantage Waiver Program.

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

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

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

22 2. Seniors who are being served by other LTSS programming
23 before November 1, 2019, who are sixty-five (65) years of age or
24 greater and live within the defined service area of PACE shall be

1 referred to the PACE organization prior to any re-evaluation or
2 renewal of service period.

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

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

9 2. The task force shall be comprised of:

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

1 3. The task force shall meet monthly and provide a formal
2 recommendation to the Governor, the President Pro Tempore of the
3 Senate and the Speaker of the House of Representatives for continued
4 evaluation methods and tools for LTSS within one (1) calendar year
5 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 6. This act shall become effective November 1, 2019.

10 Passed the Senate the 12th day of March, 2019.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2019.

Presiding Officer of the House
of Representatives