

An Act

ENROLLED HOUSE
BILL NO. 1205

By: Bush of the House

and

McCortney of the Senate

An Act relating to public health and safety; creating the Oklahoma Home- and Community-Based Services Ombudsman Program Task Force; providing purpose; authorizing Task Force to make recommendations; providing basis for recommendations; providing for membership of Task Force; providing for vacancies; requiring Task Force to hold meetings; providing for use of certain services; requiring compliance with the Oklahoma Open Meeting Act; and providing for codification.

SUBJECT: Oklahoma Home- and Community-Based Services Ombudsman
Program Task Force

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2218 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Home- and Community-Based Services Ombudsman Program Task Force (Task Force). The purpose of the Task Force shall be to research, compile data, and make a recommendation to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate regarding the creation of an ombudsman program to serve recipients of in-home and community-based care and services.

B. The Task Force's recommendations shall be based on its findings, and shall include, but not be limited to:

1. The mission of such an ombudsman program and its proposed legislative authority, to include advocacy for persons receiving home/community-based services;

2. The proposed placement of the program;

3. The governance of the program;

4. The roles and responsibilities of any recommended staff positions in the program;

5. Identification of interfacing agencies and/or organizations;

6. Proposed quality standards; and

7. A plan to ensure that the public is informed of the existence of a State Home- and Community-Based Services Ombudsman Program that is created and the services to be provided by such program.

C. The Task Force shall consist of the following members:

1. The current Oklahoma State Long-Term Care Ombudsman;

2. One Long-Term Care Ombudsman Supervisor employed by an Area Agency on Aging, designated by the State Long-Term Care Ombudsman;

3. The Executive Director of the Oklahoma Association for Home Care and Hospice;

4. A representative from one current in-home and community-based care provider association, appointed by the Governor;

5. Two persons with no financial interest in any long-term care provider entity who currently have a family member or friend receiving ADvantage in-home and community-based long-term care services, appointed as follows: one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives;

6. One member representing the Oklahoma Aging Partnership Strategy Committee, selected by the co-coordinators of that Committee;

7. One member from the Oklahoma Health Care Authority, selected by the Director of the Oklahoma Health Care Authority;

8. One member from the State Department of Health, selected by the Commissioner of Health;

9. Two persons with no financial interest in any long-term care provider entity who currently have a family member or friend receiving the Department of Disability Services home- and community-based services (DDS HCBS) appointed as follows:

- a. one representing the DDS In-Home Supports Waiver appointed by the President Pro Tempore of the Senate, and
- b. one representing the Community-Based Waiver receiving services in a nonresidential placement selected by the Speaker of the House of Representatives;

10. One member representing the Oklahoma Developmental Disabilities Council. This member shall be a self-advocate currently receiving DDS HCBS or a family member of a person currently receiving DDS HCBS and selected by the Oklahoma Developmental Disabilities Council;

11. One member representing the Oklahoma Protection and Advocacy System, selected by the Executive Director of the Oklahoma Disability Law Center; and

12. The Executive Director, or his or her designee, from the Oklahoma Association of Centers for Independent Living.

D. Members of the Task Force shall serve at the pleasure of the appointing authority. Vacancies in a position shall be filled in the same manner as the original appointment. The members of the Task Force shall elect a chairperson at its initial meeting.

E. The Task Force shall hold its first meeting no later than October 1, 2019, shall meet monthly, and shall publish a report of its final plan no later than September 30, 2020, the date on which members' terms shall end.

F. The Task Force shall serve without compensation except actual and necessary travel expenses as authorized by the State Travel Reimbursement Act.

G. The Task Force may use the expertise and services of the staff of Aging Services in the Department of Human Services, the Oklahoma Health Care Authority, and the State Department of Health.

H. Proceedings of all meetings of the Task Force shall comply with the provisions of the Oklahoma Open Meeting Act.

Passed the House of Representatives the 7th day of March, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 9th day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____