

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1419

By: Gollihare of the Senate

and

6 Boatman of the House

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8 COMMITTEE SUBSTITUTE

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

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

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

19 A. As used in this section:

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

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

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

8 B. Not later than one (1) year after the effective date of this
9 act and subject to receipt of federal approval for the program, the
10 Oklahoma Health Care Authority shall establish a program under which
11 a family member of a Medicaid enrollee may be recognized as a family
12 caregiver and, after receiving such recognition, may, under the
13 direction and supervision of a registered nurse, provide services to
14 the enrollee through a licensed home care agency under the
15 reimbursement rates established under subsection F of this section,
16 provided that the enrollee qualifies for such services under the
17 state Medicaid program.

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

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

4 D. The Board shall establish scope of practice standards and
5 restrictions for services that a recognized family caregiver may
6 provide to a Medicaid enrollee. The scope of practice may include
7 necessary and appropriate skilled care tasks. In establishing such
8 standards and restrictions, the Board shall consider the advice of
9 the State Department of Health.

10 E. It shall be the duty of the home care agency to ensure that
11 a recognized family caregiver meets the qualifications and
12 requirements prescribed by this section and rules promulgated by the
13 Board.

14 F. Reimbursable services provided by a recognized family
15 caregiver under the program established under this section shall be
16 reimbursed to a home care agency at a rate established by the
17 Authority.

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

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

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

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

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

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

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

10 4. "~~Healthcare~~ Health care provider" means a physician,
11 physician assistant or Advanced Practice Registered Nurse recognized
12 by the Oklahoma Board of Nursing as a ~~Certified Nurse Practitioner~~
13 certified nurse practitioner or a ~~Clinical Nurse Specialist~~ clinical
14 nurse specialist;

15 5. "Home care agency" means any sole proprietorship,
16 partnership, association, corporation or other organization which
17 administers, offers or provides home care services, for a fee or
18 pursuant to a contract for such services, to clients in their place
19 of residence. The term "~~home care agency~~" home care agency shall
20 not include:

21 a. individuals who contract with the Department of Human
22 Services to provide personal care services, provided
23 such individuals shall not be exempt from
24 certification as home health aides,

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

10 c. CD-PASS waiver program employer participants;

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

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

16 8. "Home care agency administrator" means a person who
17 operates, manages, or supervises, or is in charge of a home care
18 agency;

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

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

23 a. a trained ~~Respiratory Therapist/Technician~~ or by
24 respiratory therapist/technician,

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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