

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1749

By: Garvin

AS INTRODUCED

An Act relating to long-term care; amending 63 O.S. 2021, Section 1-890.2, which relates to definitions used in the Continuum of Care and Assisted Living Act; adding and modifying definitions; requiring referral agency to make certain disclosures; requiring certain signing and provision of specified documentation; requiring and prohibiting certain acts by assisted living center or continuum of care facility; providing for administrative penalties; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-890.2, is amended to read as follows:

Section 1-890.2. As used in the Continuum of Care and Assisted Living Act:

1. "Assisted living center" means any home or establishment offering, coordinating or providing services to two or more persons who:

- a. are domiciled therein,
- b. are unrelated to the operator,

- c. by choice or functional impairments, need assistance with personal care or nursing supervision,
- d. may need intermittent or unscheduled nursing care,
- e. may need medication assistance, and
- f. may need assistance with transfer and/or ambulation;

2. "Board" means the State Board of Health;

3. "Commissioner" means the State Commissioner of Health;

4. "Continuum of care facility" means a home, establishment or institution providing nursing facility services as defined in Section 1-1902 of this title and one or both of the following:

- a. assisted living center services as defined in the Continuum of Care and Assisted Living Act, ~~and~~ or
- b. adult day care center services as defined in Section 1-872 of this title; ~~and~~

5. "Department" means the State Department of Health; and

6. "Referral agency" means an individual or entity that provides referrals to an assisted living center, continuum of care facility, or subsidiary facility of an assisted living center or continuum of care facility for a fee that is collected from either the prospective resident, the assisted living center, or the continuum of care facility. Referral agency does not include an assisted living center, continuum of care facility, or subsidiary facility of an assisted living center or continuum of care facility, or its employees; a resident's family member; or a resident of an

1 assisted living center or continuum of care facility, regardless of
2 whether the resident who refers a prospective resident to an
3 assisted living center or continuum of care facility receives a
4 discount or other remuneration from the assisted living center or
5 continuum of care facility.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-890.9 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 A. A referral agency shall disclose to a prospective resident
10 or the representative of the prospective resident referred to an
11 assisted living center or continuum of care facility:

12 1. Documentation of the existence of any relationships between
13 the referral agency and the assisted living center or continuum of
14 care facility, including common ownership or control of the assisted
15 living center or continuum of care facility, and financial,
16 business, management, or familial relationships between the referral
17 agency and the assisted living center or continuum of care facility;

18 2. That the referral agency receives a fee from the assisted
19 living center or continuum of care facility for the referral. The
20 amount of the fee or a good faith estimate of the fee, if not
21 determined, may be described as a dollar amount or as a percentage
22 of the first month's rent and care charges; and

1 3. Written documentation of the agreement between the referral
2 agency and the prospective resident or representative of the
3 prospective resident. The agreement shall include:

4 a. the right of the prospective resident or
5 representative of the prospective resident to
6 terminate the referral agency's services for any
7 reason at any time, and

8 b. a requirement that the referral agency communicate the
9 cancellation of the agreement to all assisted living
10 centers and continuum of care facilities to which the
11 prospective resident has been referred.

12 B. The referral agency and the prospective resident or
13 representative of the prospective resident shall sign and date the
14 documentation required in subsection A of this section. The
15 referral agency shall provide a written or electronic copy of the
16 signed disclosure to the assisted living center or continuum of care
17 facility on or before the date the resident is admitted to the
18 assisted living center or continuum of care facility.

19 C. The assisted living center or continuum of care facility
20 shall:

21 1. Not pay the referral agency a fee:

22 a. until written receipt of the documentation required in
23 subsection A of this section is received, and

1 b. until after the date the agreement between the
2 referral agency and the prospective resident or
3 representative of the prospective resident is
4 terminated;

5 2. Maintain a written or electronic copy of the documentation
6 required in subsection A of this section at the assisted living
7 center or continuum of care facility for at least one year after the
8 date that the new resident is admitted; and

9 3. Not sell or transfer the contact information of the
10 prospective resident or representative of the prospective resident
11 to a third party without the written consent of the prospective
12 resident or representative of the prospective resident.

13 D. A referral agency that violates this section is subject to
14 an administrative penalty as provided by subsection C of Section 1-
15 890.6 of Title 63 of the Oklahoma Statutes.

16 SECTION 3. This act shall become effective November 1, 2024.

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