

1 **SENATE FLOOR VERSION**

2 February 17, 2025

3 SENATE BILL NO. 804

By: Pugh

6 An Act relating to long-term care; amending 63 O.S.
7 2021, Section 1-890.3, which relates to rules
8 promulgated under the Continuum of Care and Assisted
9 Living Act; directing promulgation of specified
10 rules; updating statutory language; amending 63 O.S.
11 2021, Section 1-890.6, which relates to penalties;
12 requiring employment of certain professionals in
13 specified circumstances; requiring assisted living
14 centers to establish internal quality assurance
15 committee; specifying committee duties and membership
16 composition; providing for codification; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-890.3, is
20 amended to read as follows:

21 Section 1-890.3. A. The State ~~Board~~ Commissioner of Health
22 shall promulgate rules necessary to implement the provisions of the
23 Continuum of Care and Assisted Living Act. Such rules shall
24 include, but shall not be limited to:

25 1. A uniform comprehensive resident screening instrument to
26 measure the needs and capabilities of residents in all settings and
27 to determine appropriate placements of residents;

1 2. Physical plant requirements meeting construction and life
2 safety codes, with provisions accommodating resident privacy and
3 independence in assisted living centers and in assisted living
4 components of continuum of care facilities based on the variable
5 capabilities of residents;

6 3. Staffing levels responsive to the variable needs of
7 residents, with provisions for sharing of staff between components
8 in a continuum of care facility;

9 4. Minimum standards for resident care including, but not
10 limited to, standards pertaining to medical care and administration
11 of medications. Standards pertaining to medication administration
12 shall, at a minimum, require the assisted living center or continuum
13 of care facility to:

- 14 a. maintain medication administration records,
- 15 b. have medication storage and disposal policies, and
- 16 c. follow medication administration orders from a
17 qualified health care provider;

18 5. Standards for measuring quality outcomes for residents;

19 5. 6. Provisions for individualized services chosen by and
20 designed for each resident;

21 6. 7. Provisions to prohibit facility staff from disclosing a
22 resident's financial information to third parties without written
23 consent of the resident or the designated representative of the
24 resident;

1 7. 8. Procedures for inspections and investigations of licensed
2 entities to ensure compliance with the Continuum of Care and
3 Assisted Living Act and rules promulgated by the ~~Board~~ Commissioner;

4 8. 9. Enumeration of resident rights and responsibilities to be
5 observed by each facility and its staff. Such resident rights shall
6 include the freedom of choice regarding any personal attending
7 physicians and all other providers of medical services and supplies
8 without a financial penalty or fee charged by the assisted living
9 center;

10 9. 10. Provisions for a surety bond or deposit from each
11 applicant in an amount sufficient to guarantee that obligations to
12 residents will be performed, with provisions for reduction or waiver
13 of the surety bond or deposit when the assets of the applicant or
14 its contracts with other persons are sufficient to reasonably ensure
15 the performance of its obligations;

16 10. 11. Provisions for the development of a consumer guide or
17 similar resource to be posted on the Internet website of the State
18 Department of Health to assist individuals and families in
19 understanding the services provided by assisted living centers and
20 to compare and select a facility; and

21 11. 12. Provisions for posting results of routine inspections
22 and any complaint investigations of each assisted living center on
23 the Internet website of the Department. Such information shall be
24 regularly updated to include the facility's plan of correction and

1 to indicate when a violation of a licensing regulation was corrected
2 by the facility; and

3 13. Provisions requiring execution of a plan of care and a
4 resident service contract with the resident or resident's
5 representative. Any change in the resident's care including, but
6 not limited to, the administration of medications or other medical
7 care shall require the informed consent of the resident or
8 representative and shall be documented in the plan of care and, as
9 appropriate, the resident service contract.

10 B. The nursing care service of a continuum of care facility
11 shall be subject to the requirements, procedures and remedies set
12 out in the Nursing Home Care Act, including provisions relating to
13 resident rights.

14 C. The adult day care component of a continuum of care facility
15 shall be subject to requirements and procedures specified under the
16 Adult Day Care Act.

17 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-890.6, is
18 amended to read as follows:

19 Section 1-890.6. A. The Continuum of Care and Assisted Living
20 Act shall not apply to residential care homes, adult companion
21 homes, domiciliary care units operated by the Oklahoma Department of
22 Veterans Affairs, the private residences of persons with
23 developmental disabilities receiving services provided by the
24 Developmental Disabilities Services Division of the Department of

1 Human Services or through ~~the~~ a Home- and Community-Based Services
2 Waiver or the Alternative Disposition Plan Waiver of the Oklahoma
3 Health Care Authority, or to hotels, motels, boardinghouses, rooming
4 houses, a home or facility approved and annually reviewed by the
5 United States Department of Veterans Affairs as a medical foster
6 home in which care is provided exclusively to three or fewer
7 veterans, or other places that furnish board or room to their
8 residents. The Continuum of Care and Assisted Living Act shall not
9 apply to facilities not charging or receiving periodic compensation
10 for services rendered and not receiving any county, state or federal
11 assistance.

12 B. The State Commissioner of Health may ban admissions to, or
13 deny, suspend, refuse to renew or revoke the license of, any
14 continuum of care facility or assisted living center which fails to
15 comply with the Continuum of Care and Assisted Living Act or rules
16 promulgated by the State ~~Board~~ Commissioner of Health.

17 C. Any person who has been determined by the Commissioner to
18 have violated any provision of the Continuum of Care and Assisted
19 Living Act or any rule promulgated hereunder shall be liable for an
20 administrative penalty ~~of~~ not more than Five Hundred Dollars
21 (\$500.00) for each day that the violation occurs.

22 D. 1. The State Department of Health shall develop a
23 classification system of violations, taking into consideration the
24 recommendations of the Long-Term Care Facility Advisory ~~Board~~

1 Council pursuant to Section 1-1923 of this title, which shall gauge
2 the severity of the violation and specify graduated penalties based
3 on:

- a. no actual harm with the potential for minimal harm,
 - b. no actual harm with the potential for more than minimal harm,
 - c. actual harm that is not immediate jeopardy, and
 - d. immediate jeopardy to resident health and safety.

2. Upon discovery of one or more violations, the Department

10 shall provide a statement of deficiencies containing the violations.

11 The continuum of care facility or assisted living center shall be

required to correct these violations and submit a plan of correction that details how the facility or center will correct each violation, ensure that the violation will not occur in the future and a period to correct each violation not to exceed sixty (60) days.

16 3. No fine shall be assessed for any violation that is not
17 classified as actual harm or immediate jeopardy, unless the
18 continuum of care facility or assisted living center fails to
19 correct the violation within the period set forth in the accepted
20 plan of correction. Fines may be assessed at any time for any
21 violations that are classified as actual harm or immediate jeopardy.

22 4. Any new violation unrelated to the original violation and
23 not classified as actual harm or immediate jeopardy that is
24 discovered upon a revisit of a continuum of care facility or

1 assisted living center shall constitute a new action and shall not
2 be included in the original citation or assessment of fines or
3 penalties; provided, that a preexisting violation not corrected in
4 compliance with the approved plan of correction shall be considered
5 still in effect.

6 E. If a continuum of care facility's failure to comply with the
7 Continuum of Care and Assisted Living Act or rules involves nursing
8 care services, the Commissioner shall have authority to exercise
9 additional remedies provided under the Nursing Home Care Act. If a
10 continuum of care facility's failure to comply with the Continuum of
11 Care and Assisted Living Act or rules involves adult day care
12 services, then the Commissioner shall have authority to exercise
13 additional remedies provided under the Adult Day Care Act.

14 F. Any assisted living center or continuum of care facility in
15 which the Department has documented repeat deficiencies regarding
16 medications including, but not limited to, their storage, use,
17 delivery, or administration shall, in addition to or as an
18 alternative to any penalties imposed under this section, be required
19 to employ the consultant services of a licensed pharmacist or a
20 licensed Registered Nurse, as applicable. The consultant shall, at
21 a minimum, provide onsite quarterly consultation until the
22 Department determines that such consultation services are no longer
23 required.

1 G. In taking any action to deny, suspend, deny renewal, or
2 revoke a license, or to impose an administrative fee, the
3 Commissioner shall comply with requirements of the Administrative
4 Procedures Act.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-890.9 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

8 A. Each assisted living center shall establish and maintain an
9 internal quality assurance committee that meets at least quarterly.

10 The committee shall:

11 1. Monitor trends and incidents;
12 2. Monitor customer satisfaction measures;
13 3. Document quality assurance efforts and outcomes;
14 4. Recommend internal policies on resident care including, but
15 not limited to, policies on administration of medications; and
16 5. Perform such other duties or functions as directed by the
17 State Commissioner of Health through rule.

18 B. The quality assurance committee shall include at least the
19 following:

20 1. A Registered Nurse or physician;
21 2. The assisted living center administrator;
22 3. A direct care staff person or a staff person who has
23 responsibility for administration of medications;
24 4. A pharmacist consultant; and

1 5. A person who has an ownership stake in the assisted living
2 center.

3 SECTION 4. This act shall become effective November 1, 2025.

4 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
5 February 17, 2025 - DO PASS

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