

1 ENGROSSED HOUSE
2 BILL NO. 1205

By: Bush of the House

3 and

4 McCortney of the Senate

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

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

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

21 A. There is hereby created the Oklahoma Home- and Community-
22 Based Services Ombudsman Program Task Force (Task Force). The
23 purpose of the Task Force shall be to research, compile data, and
24 make a recommendation to the Governor, the Speaker of the House of
Representatives, and the President Pro Tempore of the Senate

1 regarding the creation of an ombudsman program to serve recipients
2 of in-home and community-based care and services.

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

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

8 2. The proposed placement of the program;

9 3. The governance of the program;

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

12 5. Identification of interfacing agencies and/or organizations;

13 6. Proposed quality standards; and

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

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

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

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

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

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

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

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

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

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

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

20 a. one representing the DDS In-Home Supports Waiver
21 appointed by the President Pro Tempore of the Senate,
22 and

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1 b. one representing the Community-Based Waiver receiving
2 services in a nonresidential placement selected by the
3 Speaker of the House of Representatives;

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

9 11. One member representing the Oklahoma Protection and
10 Advocacy System, selected by the executive director of the Oklahoma
11 Disability Law Center; and

12 12. The executive director, or his or her designee, from the
13 Oklahoma Association of Centers for Independent Living.

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

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

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

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

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

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

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2019.

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Presiding Officer of the Senate

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