

2011 FINAL LEGISLATIVE REPORT FOR OKLAHOMA SOCIETY OF RESPIRATORY CARE

The First Session of the Fifty-Third Oklahoma Legislature kicked off on Monday February 7 and ended with an early recess on Friday May 20. The ending was officially Friday May 27; however, both chambers completed all of their work and left a week early.

At the beginning of the session there were seven pieces of legislation placed on the OSCR tracking list to watch, monitor, and/or affect based on a review by your lobbyist and Cheryl West. At the end of the session only two of those pieces of legislation were passed and signed into law by the Governor.

Here is a list of the legislation and the disposition of the bills.

SB0040, by Sen. Tom Adelson, D-Tulsa, prohibits the Oklahoma Health Care Authority and the Oklahoma State and Education Employees Group Insurance Board from reimbursing hospitals for certain hospital-acquired conditions - such as air embolism, foreign object retained after surgery and pulmonary embolism - on contracts effective on or after Jan. 1, 2012. **(Dormant)**

SB0675, by Sen. Clark Jolley, R-Edmond and Rep. David Derby, R-Owasso, modifies the Physical Therapist Practice Act. The bill states the intent of the Legislature to protect the public health, safety and welfare and provide for administrative control, supervision, licensure and regulation of the practice of physical therapy and ensure that only individuals who meet and maintain prescribed standards of competence and conduct are permitted to engage in the practice of physical therapy. The bill removes the current definition of physical therapy and replaces it with language defining physical therapy as care and services provided by or under the direct supervision of a physical therapist that is licensed under the Physical Therapy Practice Act. The bill defines the practice of physical therapy. The bill establishes that nothing in the Physical Therapy Practice Act prevents a physical therapist from performing screening related to conditioning or to providing education or activities in a wellness setting for the purpose of injury prevention, reduction of stress or promotion of fitness. **(Amended by Senate, Stricken Title, Dormant)**

SB0679, by Sen. Clark Jolley, R-Edmond and Rep. John Trebilcock, R-Broken Arrow, adds county or municipal jails to the place at which certified medication aides are eligible to distribute certain medications or treatments. It also allows the Oklahoma Health Care Authority to administer administrative sanctions to Medicaid recipients who abuse the state Medicaid program. **Signed by the Governor on May 17 and becomes effective November 1.**

HB1363, by Rep. Ron Peters, R-Tulsa and Sen. Clark Jolley, R-Edmond, creates the Oklahoma Choices for Long-Term Care Act to allow older Oklahomans the opportunity to choose where they want to live and receive their services by providing the same presumptive eligibility based on a physician's order for the ADvantage program as for nursing facilities. It establishes eligibility criteria for the ADvantage waiver program. It directs the Oklahoma Health Care Authority to create a system of eligibility for home- and community-based services provided by the ADvantage waiver program that provides for presumptive Medicaid eligibility and certification. It directs OHCA to develop and submit by Nov. 1, 2011, applications for waivers or amendments to waivers of applicable federal laws and regulations to implement the act. The bill also directs

OHCA to report the savings as the result of the act each year in its annual report. It also directs OHCA to create a system of eligibility for home- and community-based services provided by the ADvantage waiver program that provides for presumptive Medicaid eligibility and certification that is the same as that which exists for nursing facilities as provided by the Oklahoma Health Care Authority Board. It requires OHCA to initiate a request for proposals to contract for the performance of functions required in the day-to-day operation of the administration of the ADvantage waiver program. It requires the request for proposals to comply with the provisions of the Oklahoma Central Purchasing Act and provides other specifications, including a submission deadline of April 1, 2012, and that the awarded contract begins July 1, 2012. It states that the state cannot discriminate against suppliers from states or nations outside Oklahoma and cannot reciprocate the bidding preference given by other states or nations to suppliers domiciled in their jurisdictions for acquisitions. The bill gives preference to a resident bidder over other state or foreign bidders if goods or services provided in the state are equal in price, fitness, availability or quality. It outlines criteria for qualified suppliers. It allows state employees currently performing such functions to compete by submitting a bid. It also requires the OHCA Board to promulgate rules necessary to implement the request for proposals and for the administration of the ADvantage waiver program. It removes language related to the Long-Term Care Management Authority. **Signed by the Governor and becomes effective on Sept. 1.**

HB1501, by Rep. Mike Shelton, D-Oklahoma City, requires a 50-cent tax for every 32-pack of cigar rolling paper. The bill requires the tax on packages of greater or less than 32 rolling papers to be calculated at \$0.0156 per rolling paper. The bill allocates 40 percent of tax revenue to the Department of Mental Health and Substance Abuse Services; 40 percent to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and 20 percent to the Alcoholic Beverage Laws Enforcement Commission.

(Dormant)

HB1775, by Rep. Sean Roberts, R-Hominy, provides exemptions from the Unfair Sales Act for food and food ingredients including food products intended for human consumption. The bill also suspends the provisions of the Unfair Sales Act during the period beginning on the fourth Thursday in November through Dec. 26 except for petroleum, oil, gasoline or pharmaceuticals. **(Dormant)**

HB1829, by Rep. John Trebilcock, R-Broken Arrow, adds a county or municipal jail to list of locations where certified medication aids are eligible to distribute medications or treatments upon successful completion of competency standards or prescribed training courses. **(Dormant) This is the exact same language that was passed and signed in SB-679.**