

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1319

BY: BATES

COMMITTEE SUBSTITUTE AN ACT RELATING TO PUBLIC HEALTH AND SAFETY;
AMENDING 63 O.S. 1981, SECTIONS 330.51, 330.52, AS LAST AMENDED BY
SECTION 21, CHAPTER 225, O.S.L. 1988, 330.53, 330.54, AS LAST
AMENDED BY SECTION 3, CHAPTER 171, O.S.L. 1988, 330.57, 330.58,
SECTION 4, CHAPTER 171, O.S.L. 1988, AS AMENDED BY SECTION 2,
CHAPTER 85, O.S.L. 1990, SECTION 5, CHAPTER 171, O.S.L. 1988,
SECTION 6, CHAPTER 171, O.S.L. 1988, SECTION 6, CHAPTER 151, O.S.L.
1987 (63 O.S. SUPP. 1990, SECTIONS 330.52, 330.54, 330.61, 330.62,
330.63 AND 1-1526), WHICH RELATE TO THE OKLAHOMA STATE BOARD OF
NURSING HOMES; CHANGING TITLE OF BOARD TO OKLAHOMA STATE BOARD OF
EXAMINERS FOR NURSING HOME ADMINISTRATORS; MODIFYING CERTAIN
DEFINITIONS; MODIFYING QUALIFICATIONS OF MEMBERS; DELETING OBSOLETE
LANGUAGE; CLARIFYING CERTAIN AGENCY DESIGNATION; CLARIFYING
STATUTES; AMENDING 74 O.S. 1981, SECTION 3907, AS LAST AMENDED BY
SECTION 4, CHAPTER 210, O.S.L. 1989 (74 O.S. SUPP. 1990, SECTION
3907), WHICH RELATES TO THE OKLAHOMA SUNSET LAW; CHANGING BOARD
DESIGNATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN
EMERGENCY.

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

SECTION 1. AMENDATORY 63 O.S. 1981, Section 330.51, is
amended to read as follows:

Section 330.51 For the purposes of this act, and as used herein:

(a) The term "Board" means the Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators hereinafter created.

(b) The term "nursing home administrator" means a person who operates, or manages, or supervises, or is in charge of a nursing home, or specialized home.

(c) The terms "nursing home", "rest home", and "specialized home" and "operator" shall have the same ~~meanings they have~~ meaning as the term "nursing facility" as such term is defined in 63 O.S. Supp. 1967, Sections 1-801 to 1-812, inclusive the Nursing Home Care Act, Section 1-1901 et seq. of this title. The terms "administrator" and "owner" shall have the same meanings as such terms are defined in the Nursing Home Care Act, Section 1-1901 et seq. of this title.

SECTION 2. AMENDATORY 63 O.S. 1981, Section 330.52, as last amended by Section 21, Chapter 225, O.S.L. 1988 (63 O.S. Supp. 1990, Section 330.52), is amended to read as follows:

Section 330.52 (a) There is hereby re-created, to continue until July 1, 1994, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators. The Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators shall consist of fifteen (15) members, eleven of whom shall be representative of the professions and institutions concerned with the care and treatment of critically ill or infirm elderly patients, two members representing the general public, and the State Commissioner of Health and the Director of the Department of Human Services, or their designees. The thirteen members shall be appointed by the Governor, with the advice and consent of the Senate.

(b) (1) Six of the thirteen appointive members shall each be presently an owner and a licensed ~~operator-administrator of a nursing home which has a current license issued by the State Commissioner of Health~~ administrator and shall have had five (5) years' experience in the nursing home profession as an ~~operator-administrator~~ owner and administrator. Two members shall be representatives of the general public and shall not have any direct or indirect financial interest in nursing homes. The other members shall not be nursing home ~~operators-administrators~~ owners or administrators and shall have no direct financial interest in nursing homes.

(2) The terms of all appointive members shall be three (3) years. Any vacancy occurring in the position of an appointive member shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term.

~~(c) As used in this section, the term "nursing home" means a skilled nursing home, an intermediate care facility, a rest home or a specialized home and the term "administrator" means an "administrator" as such terms are defined and used in the Nursing Home Care Act.~~

SECTION 3. AMENDATORY 63 O.S. 1981, Section 330.53, is amended to read as follows:

Section 330.53 A. The Oklahoma State Board of Examiners for Nursing Home Administrators shall have authority to issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for such nursing home administrators.

B. No license shall be issued to a person as a nursing home administrator unless ~~he~~ he:

1. He shall have submitted evidence satisfactory to the Board that he is:

a. not less than twenty-one (21) years of age, ~~that he is~~

- b. of reputable and responsible character, and ~~that he is~~
- c. in sound physical and mental health; and ~~unless he~~

2. He shall have submitted evidence satisfactory to the Board of his ability to supervise a nursing home or specialized home. ~~Provided, that persons meeting the standards of good character, who have been approved by the State Commissioner of Health as an "administrator," as such term is defined and used in 63 O.S. Supp. 1967, Sections 1-801 to 1-812, inclusive, of a nursing home and who are serving in such capacity on the effective date of this act, but who cannot meet any additional qualifications established by the Board, may, subject to such conditions and requirements as may be prescribed by the Board, be granted a waiver, by the Board, of such qualifications for a period of two (2) years after the effective date of this act, or until June 30, 1972, whichever is earlier.~~

SECTION 4. AMENDATORY 63 O.S. 1981, Section 330.54, as last amended by Section 3, Chapter 171, O.S.L. 1988 (63 O.S. Supp. 1990, Section 330.54), is amended to read as follows:

Section 330.54 Each person licensed as a nursing home administrator pursuant to the provisions of Section 330.53 of this title shall be required to pay an annual license fee which shall be deposited in the Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators Revolving Fund. Such fee shall be determined by the Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators in an amount not to exceed Two Hundred Dollars (\$200.00). Each such license shall expire on the 31st day of December following its issuance, and shall be renewable for a calendar year, upon payment of the annual license fee.

SECTION 5. AMENDATORY 63 O.S. 1981, Section 330.57, is amended to read as follows:

Section 330.57 The Oklahoma State Board of Examiners for Nursing Home Administrators shall have sole and exclusive authority to determine the qualifications, skill and fitness of any person to

serve as an administrator of a nursing home or specialized home under the provisions of ~~63 O.S. Supp. 1967, Sections 1-801 to 1-812, inclusive; and the~~ the Nursing Home Care Act, Section 1-1901 et seq. of this title. The holder of a license under the provisions of this act shall be deemed qualified to serve as the administrator of a nursing home or specialized home. ~~The term "administrator," as used in this section, means an "administrator" as such term is defined and used in 63 O.S. Supp. 1967, Sections 1-801 to 1-812, inclusive.~~

SECTION 6. AMENDATORY 63 O.S. 1981, Section 330.58, is amended to read as follows:

Section 330.58 The Oklahoma State Board of Examiners for Nursing Home Administrators shall:

(a) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ~~insure~~ ensure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards.

(c) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the Board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards.

(d) Establish and carry out procedures designed to ~~insure~~ ensure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.

(e) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards. The long-term care ombudsman program of the ~~Special Unit on Aging~~ Services Division of the Department of Human Services shall be notified of all complaint investigations of the Board so that they may be present at any such complaint investigation for the purpose of representing nursing home consumers.

(f) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

SECTION 7. AMENDATORY Section 4, Chapter 171, O.S.L. 1988, as amended by Section 2, Chapter 85, O.S.L. 1990 (63 O.S. Supp. 1990, Section 330.61), is amended to read as follows:

Section 330.61 A. In addition to the annual license fees, the Oklahoma State Board of Examiners for Nursing Home Administrators may impose fees for:

1. ~~training~~ Training programs conducted or approved by the Board; and
2. ~~education~~ Education programs conducted or approved by the Board.

B. All revenues collected as a result of fees authorized in this section and imposed by the Board shall be deposited into the Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators Revolving Fund.

SECTION 8. AMENDATORY Section 5, Chapter 171, O.S.L. 1988 (63 O.S. Supp. 1990, Section 330.62), is amended to read as follows:

Section 330.62 There is hereby created in the State Treasury a revolving fund for the Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators to be designated the "Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of such sources of income as are provided by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators to carry out the duties established by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 9. AMENDATORY Section 6, Chapter 171, O.S.L. 1988 (63 O.S. Supp. 1990, Section 330.63), is amended to read as follows:

Section 330.63 Beginning June 30, 1990, and on June 30 of each of the following three (3) years, the Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators shall pay the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) from any monies available in the Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators Revolving Fund to the General Revenue Fund for the then current fiscal year.

SECTION 10. AMENDATORY Section 6, Chapter 151, O.S.L. 1987 (63 O.S. Supp. 1990, Section 1-1526), is amended to read as follows:

Section 1-1526. The State Board of Health shall promulgate rules and regulations necessary to implement the provisions of this act. The Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators shall establish and adopt a policy to effectuate compliance with the Smoking in Public Places Act, Section

1-1521 et seq. of this title, which shall be applicable to nursing homes and long-term care facilities.

SECTION 11. AMENDATORY 74 O.S. 1981, Section 3907, as last amended by Section 4, Chapter 210, O.S.L. 1989 (74 O.S. Supp. 1990, Section 3907), is amended to read as follows:

Section 3907. The following statutory entities and their successors shall be terminated on July 1, 1994, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. Board of Examiners for Speech Pathology and Audiology as created by Section 1607 of Title 59 of the Oklahoma Statutes;

2. State Board of Veterinary Medical Examiners as created by Section 698.3 of Title 59 of the Oklahoma Statutes;

3. Board of Tests for Alcohol and Drug Influence as created by Section 759 of Title 47 of the Oklahoma Statutes;

4. State Anatomical Board as created by Section 91 of Title 63 of the Oklahoma Statutes;

5. Oklahoma State Board of ~~Nursing Homes~~ Examiners for Nursing Home Administrators as created by Section 330.52 of Title 63 of the Oklahoma Statutes;

6. Oklahoma Peanut Commission as created by Section 1103 of Title 2 of the Oklahoma Statutes;

7. Sheep and Wool Utilization, Research and Market Development Commission as created by Section 1502 of Title 2 of the Oklahoma Statutes;

8. Wheat Utilization, Research and Market Development Commission as created by Section 1022 of Title 2 of the Oklahoma Statutes;

9. Committee on Purchases of Products and Services of the Severely Handicapped as created by Section 3001 of this title;

10. Board of Examiners in Optometry as created by Section 582 of Title 59 of the Oklahoma Statutes;

11. State Capitol Preservation Commission as created by Section 4102 of this title;

12. Commission on County Government Personnel Education and Training as created by Section 130.1 of Title 19 of the Oklahoma Statutes;

13. Oklahoma Beef Commission as created by Section 1253 of Title 2 of the Oklahoma Statutes;

14. Oklahoma Climatological Survey as created by Section 245 of this title;

15. The State Board of Licensed Social Workers as created by Section 1253 of Title 59 of the Oklahoma Statutes; and

16. Literacy Initiatives Commission as created by Section ~~±~~ 8001 of ~~this act~~ Title 70 of the Oklahoma Statutes.

SECTION 12. This act shall become effective July 1, 1991.

SECTION 13. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-1044

CJ