

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1366

BY: THOMAS

AS INTRODUCED

AN ACT RELATING TO POOR PERSONS; CREATING THE
OKLAHOMA ADULT COMPANION HOME CERTIFICATION ACT;
PROVIDING PURPOSE; DEFINING TERMS; MAKING CERTAIN
ACTIONS UNLAWFUL; REQUIRING APPLICATION AND PERMITS
FOR CERTIFICATIONS; AUTHORIZING PROVISIONAL
CERTIFICATIONS; PROVIDING FOR PROMULGATION OF
RULES; PROVIDING FOR INVESTIGATIONS; PROVIDING FOR
REVOCATION AND REFUSAL OF CERTIFICATIONS; PROVIDING
FOR HEARING AND NOTICE; PROVIDING FOR APPEALS;
PROVIDING PENALTIES; AMENDING SECTION 2, CHAPTER
225, O.S.L. 1987, AS AMENDED BY SECTION 1, CHAPTER
233, O.S.L. 1988 (63 O.S. SUPP. 1990, SECTION 1-
818.2), WHICH RELATES TO THE GROUP HOMES FOR THE
DEVELOPMENTALLY DISABLED OR PHYSICALLY HANDICAPPED
PERSONS ACT; MODIFYING TERMS; AMENDING SECTION 8,
CHAPTER 128, O.S.L. 1984, AS LAST AMENDED BY
SECTION 2, CHAPTER 295, O.S.L. 1990 (63 O.S. SUPP.
1990, SECTION 1-820), WHICH RELATES TO THE
RESIDENTIAL CARE ACT; MODIFYING TERMS; AMENDING 63
O.S. 1981, SECTIONS 1-1902, AS LAST AMENDED BY
SECTION 17, CHAPTER 337, O.S.L. 1990 AND 1-1903, AS
LAST AMENDED BY SECTION 23, CHAPTER 98, O.S.L. 1987
(63 O.S. SUPP. 1990, SECTIONS 1-1902 AND 1-1903),

WHICH RELATE TO THE NURSING HOME CARE ACT;
MODIFYING TERMS; MAKING CERTAIN ACTS NOT APPLICABLE
TO THE OKLAHOMA ADULT COMPANION HOME CERTIFICATION
ACT; PROVIDING FOR CODIFICATION; PROVIDING AN
EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

Sections 2 through 8 of this act shall be known and may be cited as the Oklahoma Adult Companion Home Certification Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. It is the declared purpose and policy of the "Oklahoma Adult Companion Home Certification Act," to insure maintenance of minimum standards for the care and protection of mentally retarded or developmentally disabled adults, and to encourage and assist adult companion homes toward maximum standards.

B. In order to provide care for mentally retarded or developmentally disabled adults in adult companion homes, a certification shall be obtained from the Department of Human Services. Such certificates shall be issued on the basis of meeting minimum standards which are essential for the health and welfare of any mentally retarded or developmentally disabled adult placed for care in such homes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

For purposes of the provisions of the Oklahoma Adult Companion Home Certification Act:

1. "Department" means the Department of Human Services; and
2. "Adult Companion Home" means any home or establishment, funded and certified by the Department of Human Services, which provides home-like residential accommodations and supportive assistance to three (3) or fewer mentally retarded or developmentally disabled adults.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.4 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 1992, no home shall be operated or maintained unless certified by the Department. No new home may be established without the prior approval of the Department which shall be granted only after the Department is satisfied that such home will meet known needs for the services proposed to be provided and that the home will meet minimum standards for a certificate to operate.

B. An application for a certification shall be made in the manner and on the terms prescribed by the Department. Before issuing such certification, the Department shall investigate the activities and standards of care of the applicant and if satisfied that the applicant meets the requirements as provided in the Oklahoma Adult Companion Home Certification Act, a certification shall be issued. A provisional certification may be issued to any applicant whose services are needed but which is temporarily unable to conform to all the rules of said Department. All certifications shall be in force for one (1) year from date of issuance unless revoked as authorized by the Oklahoma Adult Companion Home

Certification Act, and shall be reissued annually on application. A provisional certification may be in force for not more than one (1) year, unless such emergency exists as, in the discretion of the Department, necessitates an extension thereof.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.5 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department shall promulgate minimum requirements and desirable standards for homes. These standards shall include requirements for:

1. a constructive program and services to meet the needs of each mentally retarded or developmentally disabled adult;
2. staff of good moral character and ability;
3. adequate and safe housing, sanitation, and equipment;
4. good health care;
5. good community relationships;
6. essential records and administrative methods; and
7. sufficient funds for sound operation.

B. Such rules shall not be made, prescribed, or published until after consultation with the Department of Health and the State Bureau of Investigation or other agency performing the duties of State Fire Marshal.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.6 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department shall have authority at any reasonable time to investigate and examine into the conditions of any home which receives and cares for mentally retarded or developmentally disabled adults. The Department shall have authority at any time to require the home to provide information pertaining to mentally retarded or developmentally disabled adults in its care. The Department of Health may visit any home at the request of the Department to advise

on matters affecting the health of mentally retarded or developmentally disabled adults and to inspect the sanitation of the buildings used for their care. The State Bureau of Investigation, or other agency performing the duties of State Fire Marshal, may visit any home at the request of the Department to advise on matters affecting the safety of mentally retarded or developmentally disabled adults and to inspect the condition of the buildings for their care. Information obtained by the Department from any home regarding mentally retarded or developmentally disabled adults shall be deemed confidential and privileged communications and shall be properly safeguarded and shall not be accessible to anyone except as herein provided unless upon order of a court of competent jurisdiction.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.7 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department may revoke any certificate issued pursuant to the provisions of the Oklahoma Adult Companion Home Certification Act if the home has violated any provision of the Oklahoma Adult Companion Home Certification Act or the rules of said Department. No certification shall be revoked or renewal refused unless the holder of such certification shall have been given at least thirty (30) days' notice in writing of the grounds of such proposed revocation or refusal. If such revocation or refusal is protested within thirty (30) days of receipt of said notice by writing addressed to the Commission, the Commission, or its authorized agency, shall conduct a hearing at which an opportunity is given to the owner or operator of such home to present testimony and confront witnesses. Notice of such hearing shall be given to said owner or operator of such home by personal service or by delivery to the proper address by registered mail, at least two (2) weeks prior to the date thereof. If notice of the proposed revocation or refusal is not so

protested, the certification may thereupon be revoked or renewal thereof refused.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.8 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Any certificate holder aggrieved by the decision of the Department pursuant to the provisions of the Oklahoma Adult Companion Home Certification Act, within ten (10) days after the revocation or refusal to issue or renew the certification, may take an appeal de novo to the district court of the county in which the home is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.

B. The Department, within ten (10) days of the service of such notice, shall file with the clerk of said court a transcript of the proceedings had before it. The district court shall thereupon be vested with jurisdiction to hear and determine the questions of law and fact involved, as in an appeal de novo. If the Department prevails, the judgment of the district court shall be that the decision of the Department be affirmed. If the owner or operator of a home prevails, the judgment of the court shall be that the revocation be set aside or the certification issued or renewed, as the case may be. Pending the hearing of the appeal, the action of the Department revoking or refusing renewal of the certification or the granting thereof shall be stayed.

C. Any person or owner or operator of a home may be enjoined from maintaining and operating such home for violations of any provisions of the Oklahoma Adult Companion Home Certification Act by suit brought in the name of the state by the Attorney General of Oklahoma or by a district attorney.

D. Any person or agent, representative, or officer of any home who violates any of the provisions of the Oklahoma Adult Companion Home Certification Act, upon conviction, shall be deemed guilty of a misdemeanor. Whenever any agent, representative, or officer of any home is convicted under authority of the Oklahoma Adult Companion Home Certification Act, such conviction shall be sufficient ground for the revocation of the certificate to operate a home.

SECTION 9. AMENDATORY Section 2, Chapter 225, O.S.L. 1987, as amended by Section 1, Chapter 233, O.S.L. 1988 (63 O.S. Supp. 1990, Section 1-818.2), is amended to read as follows:

Section 1-818.2 As used in the Group Homes for the Developmentally Disabled or Physically Handicapped Persons Act:

1. "Abuse" means any intentional abuse, neglect, and exploitation, as those terms are defined by the Protective Services for the Elderly and for Incapacitated Persons Act, and any sexual assault inflicted on a resident of a group home;
2. "Access" means the right of a person to enter a group home to communicate privately and without unreasonable restriction;
3. "Administrator" means the person designated by the owner who has authority and responsibility for the programs and operation of a group home for developmentally disabled and physically handicapped adults;
4. "Advisory Board" means the Group Homes for the Developmentally Disabled or Physically Handicapped Persons Advisory Board established by Section 1-818.4 of this title;
5. "Board" means the State Board of Health;
6. "Commissioner" means the State Commissioner of Health;
7. "Department" means the State Department of Health;
8. "Developmental disability" means a severely chronic disability of a person which:
 - a. is attributable to a physical or mental impairment or a combination of physical and mental impairments; and

- b. is manifested before the person attains the age of twenty-two (22); and
- c. is likely to continue indefinitely; and
- d. results in substantial functional limitations in three or more of the following areas of major life activity:
 - (1) self-care,
 - (2) receptive and expressive language,
 - (3) learning,
 - (4) mobility,
 - (5) self-direction,
 - (6) capacity for independent living,
 - (7) economic self-sufficiency;
- e. reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are lifelong or of extended duration and are individually planned and coordinated;

9. "Group home for developmentally disabled and physically handicapped adults" means any establishment or institution other than a hotel, motel, fraternity or sorority house, or college or university dormitory for not more than twelve (12) residents eighteen (18) years of age or older who are developmentally disabled or physically handicapped and which offers or provides supervision, residential accommodations, food service, and training and skill development opportunities designed to lead to increased independence of the residents and supportive assistance to any of its residents requiring supportive assistance. Said residents shall not require intermediate care facility services;

10. "Habilitation" means procedures and interventions designed to assist a developmentally disabled individual achieve greater physical, mental and social development by enhancing the well-being of the person and teaching skills which increase the possibility

that a resident of a group home will make progressively independent and responsible decisions about social behavior, quality of life, job satisfaction and personal relationships;

11. "Home" and "group home" means a group home for developmentally disabled and physically handicapped adults;

12. "Adult Companion Home" means any home or establishment, funded and certified by the Department of Human Services, which provides home-like residential accommodations and supportive assistance to three (3) or fewer mentally retarded or developmentally disabled adults;

13. "Licensee" means a person, corporation, partnership, or association who is the owner of a home which is licensed pursuant to the provisions of the Group Homes for the Developmentally Disabled or Physically Handicapped Persons Act;

~~13.~~ 14. "Neglect" means a failure to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury to a resident;

~~14.~~ 15. "House manager" means the person who is not the administrator but who manages the group home;

~~15.~~ 16. "Owner" means a person, corporation, partnership, association, or other entity which owns a home or leases a home. The person or entity that stands to profit or lose as a result of the financial success or failure of the operation shall be presumed to be the owner of the home;

~~16.~~ 17. "Personal care" means assistance with meals, dressing, movement, bathing or other personal needs, or general supervision of the physical and mental well-being of a person, who is currently unable to maintain a private, independent residence, or who has limited abilities in the managing of his person, whether or not a guardian has been appointed for such person;

~~17.~~ 18. "Physically handicapped" means a condition which causes the restricted use of his or her extremities by an individual or

affects other bodily functions of an individual and which require the specialized training, habilitation or rehabilitation services provided by a group home;

~~18.~~ 19. "Program certification" means certification by the Department that a group home meets and is in compliance with the rules and regulations adopted by the Board as standards for the training, habilitation or rehabilitation of residents of a group home;

~~19.~~ 20. "Resident" means a person residing in a group home for developmentally disabled or physically handicapped persons due to a developmental disability or physical handicap;

~~20.~~ 21. "Representative of a resident" means a court-appointed guardian or conservator, or if there is no court-appointed guardian or conservator, an adult designated in writing by the resident to be his or her representative;

~~21.~~ 22. "Sexual assault" means rape, incest, lewd and indecent acts or proposals, as defined by law, by a person responsible for the resident's welfare and includes the allowing, permitting, or encouraging a resident to engage in prostitution or the lewd, obscene, or pornographic photographing, filming or depiction of a resident;

~~22.~~ 23. "Supervision" means the provision of on-site staffing in the group home or on the premises of the group home when residents are present who require on-site staffing, as determined by an assessment by a qualified professional;

~~23.~~ 24. "Supportive assistance" means the service rendered to any person which is sufficient to enable the person to meet an adequate level of daily living. Supportive assistance includes but is not limited to training, supervision, assistance in housekeeping, assistance in the preparation of meals, assistance in the safe storage, distribution and administration of medications, and

assistance in personal care as is necessary for the health and comfort of such person; and

~~24.~~ 25. "Transfer" means a change in location of living arrangements of a resident from one group home to another group home.

SECTION 10. AMENDATORY Section 8, Chapter 128, O.S.L. 1984, as last amended by Section 2, Chapter 295, O.S.L. 1990 (63 O.S. Supp. 1990, Section 1-820), is amended to read as follows:

Section 1-820. As used in the Residential Care Act:

1. "Abuse" means intentional physical or mental injury or sexual assault inflicted on a resident of a home by any person;

2. "Access" means the right of a person to enter a home to communicate privately and without unreasonable restriction;

3. "Administrator" means the person who is in charge of a home and who devotes at least one-third (1/3) of his full working time to on-the-job supervision of such home;

4. "Adult Companion Home" means any home or establishment, funded and certified by the Department of Human Services, which provides home-like residential accommodations and supportive assistance to three (3) or fewer mentally retarded or developmentally disabled adults.

5. "Advisory Board" means the Long-Term Care Facility Advisory Board;

~~5.~~ 6. "Board" means the State Board of Health;

~~6.~~ 7. "Commissioner" means the State Commissioner of Health;

~~7.~~ 8. "Department" means the State Department of Health;

~~8.~~ 9. "Habilitation" means procedures and interventions designed to assist a mentally ill, drug-dependent or alcohol-dependent person eighteen (18) years of age or older to achieve greater physical, mental and social development by enhancing the well-being of the person and teaching skills which increase the possibility that the resident will make progressively independent

and responsible decisions about social behavior, quality of life, job satisfaction and personal relationships;

~~9.~~ 10. "Home" means a residential care home;

~~10.~~ 11. "Residential care home" means:

- a. any establishment or institution other than an adult companion home, a hotel, motel, fraternity or sorority house, or college or university dormitory which offers or provides residential accommodations, food service, and supportive assistance to any of its residents or houses any resident requiring supportive assistance who are not related to the owner or administrator of the home by blood or marriage. Said residents shall be ambulatory and essentially capable of managing their own affairs, but do not routinely require skilled nursing care or intermediate care,
- b. a residential care home may consist of a series of units or buildings which are not connected or part of the same structure if:
 - (1) such buildings or units are owned by the same owner or operator,
 - (2) all residents of the units or buildings are fully capable of ambulation to and from the buildings or units,
 - (3) the location and construction of the buildings or units ensure the health, safety, and protection from fire hazards and other hazards and provide for the convenience and accessibility of the residents to each residential building or unit,
 - (4) any out-of-doors premise or thoroughfare is adequately maintained to ensure the health and safety of the residents,

(5) the buildings or units are within one hundred seventy-five (175) feet of the building housing the main kitchen and dining room. The units or buildings must be located in the most convenient and accessible location for residents, and

c. residential care home shall not mean a hotel, motel, fraternity or sorority house, or college or university dormitory providing such facility operates in a manner customary to its description and does not house three or more persons who require supportive assistance from said facility in order to meet an adequate level of daily living.

The Board shall develop minimum standards for such residential homes pursuant to Section 1-836 of this title;

~~11.~~ 12. "Licensee" means a person, corporation, partnership, or association who is the owner of a home which is licensed pursuant to the provisions of the Residential Care Act;

~~12.~~ 13. "Maintenance" means meals, shelter, and laundry services;

~~13.~~ 14. "Neglect" means a failure to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury to a resident;

~~14.~~ 15. "Operator" means the person who is not the administrator but who manages the home;

~~15.~~ 16. "Owner" means a person, corporation, partnership, association, or other entity which owns a home or leases a home. The person or entity that stands to profit or lose as a result of the financial success or failure of the operation shall be presumed to be the owner of the home;

~~16.~~ 17. "Personal care" means assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person, who

is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person;

~~17.~~ 18. "Resident" means a person residing in a home due to illness, physical or mental infirmity, or advanced age;

~~18.~~ 19. "Representative of a resident" means a court-appointed guardian, or if there is no court-appointed guardian, the parent of a minor, a relative, or other person, designated in writing by the resident. An owner, agent, or employee of a home shall not be a representative of a resident unless such person is appointed by the court;

~~19.~~ 20. "Supportive assistance" means the service rendered to any person which is sufficient to enable the person to meet an adequate level of daily living. Supportive assistance includes but is not limited to housekeeping, assistance in the preparation of meals, assistance in the safe storage, distribution and administration of medications, and assistance in personal care as is necessary for the health and comfort of such person. The term "supportive assistance" shall not be interpreted or applied so as to prohibit the participation of residents in housekeeping or meal preparation tasks as a part of the written treatment plan for the training, habilitation or rehabilitation of the resident prepared with the participation of the resident, the mental health or drug or alcohol services case-manager assigned to the resident and the administrator of the facility or his designee. Supportive assistance shall not include medical service; and

~~20.~~ 21. "Transfer" means a change in location of living arrangements of a resident from one home to another home.

SECTION 11. AMENDATORY 63 O.S. 1981, Section 1-1902, as last amended by Section 17, Chapter 337, O.S.L. 1990 (63 O.S. Supp. 1990, Section 1-1902), is amended to read as follows:

Section 1-1902. As used in the Nursing Home Care Act:

1. "Abuse" means any intentional physical or mental injury or sexual assault inflicted on a resident of a facility by any person;

2. "Access" means the right of a person to enter a facility to communicate privately and without unreasonable restriction when invited to do so by a resident. The state or local "ombudsman", as that term is defined by the Special Unit on Aging of the Department of Human Services pursuant to the Older Americans' Act, as amended, and a case manager employed by the Department of Mental Health and Substance Abuse Services or one of its contract agencies shall have right of access to enter a facility, communicate privately and without unreasonable restriction with any resident who consents to the communication, to seek consent to communicate privately and without restriction with any resident and to observe all areas of the facility that directly pertain to the patient care of the resident without infringing upon the privacy of the other residents without first obtaining their consent;

3. "Administrator" means the person licensed by the State of Oklahoma who is in charge of a facility and who devotes at least one-third (1/3) of his full working time to on-the-job supervision of such facility, provided that this requirement shall not apply to an administrator of an intermediate care facility for the mentally retarded with sixteen or less beds (ICF-MR/16), provided said ICF-MR/16 facility or facilities are physically located on one campus owned and operated by an organization or institution that has a qualified administrator and each ICF-MR/16 facility shall be supervised by a qualified mental retardation professional;

4. "Advisory Board" means the Long-Term Care Advisory Board;

5. "Adult Companion Home" means any home or establishment, funded and certified by the Department of Human Services, which provides home-like residential accommodations and supportive assistance to three (3) or fewer mentally retarded or developmentally disabled adults;

6. "Board" means State Board of Health;

~~6.~~ 7. "Commissioner" means Commissioner of Health;

~~7.~~ 8. "Department" means the State Department of Health;

~~8.~~ 9. "Facility" means a nursing facility and a specialized home. The term shall not include a residential care home or an adult companion home;

~~9.~~ 10. "Nursing facility" means a home, an establishment or an institution a distinct part thereof which is primarily engaged in providing:

- a. skilled nursing care and related services for residents who require medical or nursing care,
- b. rehabilitation services for the rehabilitation of injured, disabled, or sick persons, or
- c. on a regular basis, health-related care and services to individuals who because of their mental or physical condition require care and services beyond the level of care provided by a residential care home which can be made available to them only through a nursing facility;

~~10.~~ 11. "Specialized facility" means any home, establishment, or institution which offers or provides inpatient long-term care services on a twenty-four-hour basis to a limited category of persons requiring such services, including but not limited to a facility providing health or habilitation services for mentally retarded or developmentally disabled persons;

~~11.~~ 12. "Residential care home" means any home, establishment, or institution licensed pursuant to the provisions of the Residential Care Act other than a hotel, motel, fraternity or sorority house, or college or university dormitory which offers or provides residential accommodations, food service, and supportive assistance to any of its residents or houses any resident requiring supportive assistance. Said residents shall be ambulatory and

essentially capable of managing their own affairs, but do not routinely require nursing care; provided, residential care home shall not mean a hotel, motel, fraternity or sorority house, or college or university dormitory providing such facility operates in a manner customary to its description and does not house three or more persons who require supportive assistance from said facility in order to meet an adequate level of daily living;

~~12.~~ 13. "Licensee" means the person, a corporation, partnership, or association who is the owner of the facility which is licensed by the Department pursuant to the provisions of the Nursing Home Care Act;

~~13.~~ 14. "Maintenance" means meals, shelter, and laundry services;

~~14.~~ 15. "Neglect" means a failure to provide adequate medical or personal care or maintenance, which results in physical or mental injury to a resident;

~~15.~~ 16. "Owner" means a person, corporation, partnership, association, or other entity which owns a facility or leases a facility. The person or entity that stands to profit or lose as a result of the financial success or failure of the operation shall be presumed to be the owner of the facility;

~~16.~~ 17. "Personal care" means assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person, who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person;

~~17.~~ 18. "Resident" means a person residing in a facility due to illness, physical or mental infirmity, or advanced age;

~~18.~~ 19. "Representative of a resident" means a court-appointed guardian, or if there is no court-appointed guardian, the parent of a minor, a relative, or other person, designated in writing by the

resident. Provided that any owner, operator, administrator or employee of a facility subject to the provisions of the Nursing Home Care Act, Section 1-1902 et seq. of this title, the Residential Home Care Act, Section 1-819 et seq. of this title, or the Group Homes for the Developmentally Disabled or Physically Handicapped Persons Act, Section 1-818.1 et seq. of this title, shall not be appointed guardian or limited guardian of a resident of such facility unless said owner, operator, administrator or employee is the spouse of said resident, or a relative of said resident within the second degree of consanguinity and is otherwise eligible for appointment;

~~19.~~ 20. "Supportive assistance" means the service rendered to any person which is less than the service provided by a nursing facility but which is sufficient to enable the person to meet an adequate level of daily living. Supportive assistance includes but is not limited to housekeeping, assistance in the preparation of meals, assistance in the safe storage, distribution, and administration of medications, and assistance in personal care as is necessary for the health and comfort of such person. Supportive assistance shall not include medical service; and

~~20.~~ 21. "Transfer" means a change in location of living arrangements of a resident from one facility to another facility.

SECTION 12. AMENDATORY 63 O.S. 1981, Section 1-1903, as last amended by Section 23, Chapter 98, O.S.L. 1987 (63 O.S. Supp. 1990, Section 1-1903), is amended to read as follows:

Section 1-1903. A. No person shall establish, operate, or maintain in this state any facility without first obtaining a license as required by the Nursing Home Care Act.

B. The Nursing Home Care Act shall not apply to residential care homes or to adult companion homes, hotels, motels, boarding houses or rooming houses, or other places that furnish board or room to their residents. The Nursing Home Care Act shall not apply to

Oklahoma State Veterans Centers and such other facilities which are under control of the Oklahoma War Veterans Commission.

C. The Nursing Home Care Act shall not authorize any person to engage in any manner in the practice of the healing arts or the practice of medicine, as defined by law.

D. The Nursing Home Care Act shall not apply to a facility which is not charging or receiving periodic compensation for services rendered, or not receiving any county, state, or federal assistance.

SECTION 13. This act shall become effective July 1, 1991.

SECTION 14. 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.

43-1-5727

KSM