

ENROLLED SENATE
BILL NO. 705

By: Long (Ed) of the Senate

and

Taylor of the House

An Act relating to public health and safety; amending 63 O.S. 1991, Section 330.52, which relates to the Oklahoma State Board of Examiners for Nursing Home Administrators; re-creating the Oklahoma State Board of Examiners for Nursing Home Administrators; clarifying statutory reference; conforming outline; modifying Board membership; providing certain qualifications; providing certain restrictions; 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. 1991, Section 330.52, is amended to read as follows:

Section 330.52 ~~(a)~~ A. There is hereby re-created, to continue until July 1, ~~1994~~ 2000, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, the Oklahoma State Board of Examiners for Nursing Home Administrators. The Oklahoma State Board of Examiners for Nursing Home Administrators shall consist of fifteen (15) members, eleven of whom shall be voting members representative of the professions and institutions concerned with the care and treatment of critically ill or infirm elderly patients, two voting members representing the general public, and two ex officio nonvoting members, who shall be the Commissioner of Health and the Director of the Department of Human Services, or their designees. The thirteen voting members shall be appointed by the Governor, with the advice and consent of the Senate.

~~(b)~~ ~~(1)~~ B. 1. Six of the thirteen appointive members shall each be presently an owner ~~and~~ or a licensed administrator and shall have had five (5) years' experience in the nursing home profession as an owner ~~and~~ or administrator. At least one such member of the Board shall be associated with and a representative of a nonproprietary nursing facility; provided, if no such member currently serving on the Board meets this qualification, then the position of the member whose term first expires after the effective date of this act shall be filled with a person who meets this qualification.

2. Two members shall be representatives of the general public ~~and shall not have any direct or indirect financial interest in nursing homes; provided, however, one such member shall be selected from a list of three names submitted by a statewide organization listed as an exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code, as amended, 26 U.S.C., Section 501(c)(3), such statewide organization being comprised of organizations or individuals advocating on behalf of critically ill or infirm elderly~~

patients. Provided further, the position of the member representative of the general public whose term first expires after the effective date of this act shall be filled by a person so selected. A member of the Board who represents the general public may not have a financial interest, other than as a consumer, in a nursing facility as an officer, director, partner, owner, employee, attorney, or paid consultant or be related within the second degree by affinity or within the third degree by consanguinity to a person who has a financial interest, other than as a consumer, in a nursing facility as an officer, director, partner, owner, employee, attorney, or paid consultant.

3. The other members shall not be nursing home owners or administrators and shall not have ~~no direct~~ a financial interest, other than as a consumer, in a nursing ~~homes~~ facility as an officer, director, partner, owner, employee, attorney, or paid consultant or be related within the second degree by affinity or within the third degree by consanguinity to a person who has a financial interest, other than as a consumer, in a nursing facility as an officer, director, partner, owner, employee, attorney, or paid consultant.

~~(2)~~ 4. 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.

SECTION 2. This act shall become effective July 1, 1994.

SECTION 3. 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.

Passed the Senate the 17th day of May, 1994.

President of the Senate

Passed the House of Representatives the 24th day of May, 1994.

Speaker of the House of Representatives